

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
AGENDA
ROSE ROOM – CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
JANUARY 8, 2013**

I. ROLL CALL

II. APPROVAL OF MINUTES FROM DECEMBER 11, 2012

III. STAFF COMMENTS AND PROCEDURES

1. Nomination and Election of Vice-Chairperson
2. Master Land Use Plan Amendment from Extraterritorial Jurisdiction Neighborhood Commercial to Extraterritorial Jurisdiction Light Commercial Office located at 12901-13035 Highway 71 South. (companion item to item #3)
3. Rezoning #1-1-13; A request by Neal Rogers, agent for John P. Sexton and Margaret L. Sexton, for a zone change from Extraterritorial Jurisdiction Open-1 to Extraterritorial Jurisdiction Commercial-3 by Classification located at 12901-13035 Highway 71 South. (companion item to item #2)
4. A request by Morrison-Shipley, agent for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper for development plan approval for a convenience store with gasoline sales located at 9102 Rogers Avenue. (companion item to item #10)
5. Conditional Use #1-1-13; A request by Michael Johnson, agent for the Diocese of Little Rock (Anthony Taylor) for a conditional use for a church youth center located at 1211 Garrison Avenue.
6. Conditional Use #2-1-13; A request by Michael Johnson, agent for the Special School District of Fort Smith, for a conditional use for a classroom and administrative office expansion located at 3201 Massard Road. (companion item to item #12)
7. Conditional Use #3-1-13; A request by Gerald Thomas for a conditional use for the expansion of an existing electrical contractor shop and storage yard located at 12110 Old Hwy. 71 South. (companion item to item #11)

**RECESS PLANNING COMMISSION
CONVENE BOARD OF ZONING ADJUSTMENT**

623 Garrison Avenue
P.O. Box 1908
FORT SMITH, ARKANSAS 72902
(479) 784-2216
FAX (479) 784-2462

8. Variance #1-1-13; A request by Harold Boerner for a variance from 25 feet to 7 feet 6 inch front yard setback located at 2005 South "R" Street.
9. Variance #2-1-13; A request by Ken Jones, agent for Mercy Fort Smith, for a variance from indirect to internally illuminated lighting for a sign located at 5401 Ellsworth Road.
10. Variance #3-1-13 - A request from Morrison-Shipley Engineers, agent, for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper, for Board consideration of the following variances: 1) from thirty (30) feet to ten (10) feet rear yard setback; 2) from 200 feet to 68.66 feet minimum separation between adjacent driveways; 3) from 200 feet to 132 feet minimum separation between adjacent driveways; and 4) from 250 feet to 66.78 feet minimum separation between driveway and street intersection located at 9102 Rogers Avenue. (Companion to item #4)
11. Variance #4-1-13; A request by Gerald Thomas for a variance from 20 feet to 1.8 feet rear yard setback located at 12110 Old Hwy. 71 South. (companion item to item #7)
12. Variance #5-1-13; A request by Michael Johnson, agent for the Special School District of Fort Smith, for a variance from 200 feet to 100 feet minimum separation between adjacent driveways located at 3201 Massard Road. (companion item to item #6)

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT
MINUTES
ROSE ROOM
CREEKMORE PARK COMMUNITY CENTER
5:30 P.M.
DECEMBER 11, 2012**

On roll call, the following Commissioners were present: Vicki Newton, Rett Howard, Marshall Sharpe, Jennifer Parks, Brandon Cox, Steve Griffin, Walton Maurras, Richard Spearman and Mike Lorenz.

Chairman Griffin and Wally Bailey both stated that this would be Commissioner Lorenz's last meeting and thanked him for his years of service on the Planning Commission.

Chairman Griffin called for the vote on the minutes from the November 13, 2012, Planning Commission meeting. Motion was made by Commissioner Sharpe, seconded by Commissioner Howard and carried unanimously to approve the minutes as written.

1. Unified Development Ordinance Amendments

Mr. Wally Bailey read the staff report indicating that the purpose of this request is to amend the UDO Appendix "A" relative to sexually oriented businesses. Mr. Bailey stated that on November 20, 2012, the Fort Smith Board of Directors passed an ordinance amending the allowed zoning classifications for sexually oriented businesses. He noted that the ordinance removed sexually oriented businesses from the Commercial Light (C-2), Commercial Moderate (C-3), Commercial Regional (C-4) and Commercial Downtown (C-6) zoning districts and added them to the Industrial Moderate (I-2) and Industrial Heavy (I-3) zoning districts. Mr. Bailey indicated that approval of this proposed amendment would amend the UDO Appendix "A" to correspond with the Board's recently approved ordinance.

No one was present to speak either in favor or in opposition to this amendment.

Following a discussion by the Commission, Chairman Griffin called for the vote on the UDO Amendment. The vote was 9 in favor and 0 opposed.

2. Preliminary Plat – Middleton Farms Phase I – Mickle-Wagner-Coleman

Ms. Brenda Andrews read the staff report indicating that this plat is for a single family residential development. Ms. Andrews stated that a development plan for the entire Middleton Farms subdivision was approved by the Planning Commission at their January 11, 2011, meeting.

Mr. Pat Mickle was present to speak on behalf of this plat.

No one was present to speak in opposition to the plat.

Chairman Griffin then called for the vote on the preliminary plat. Motion was made by Commissioner Parks, seconded by Commissioner Lorenz and carried unanimously to amend this request to make approval subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design and Improvement Standards and the Standard Specifications for Public Works Construction. Chairman Griffin then called for the vote on the preliminary plat as amended. The vote was 9 in favor and 0 opposed.

- 3. Preliminary Plat – Huntington Chase Commercial – Mickle-Wagner-Coleman (companion item to items #4, #5A & #5B)**
- 4. Master Land Use Plan Amendment from Not Classified to General Commercial located at 8000 Zero Street. (companion item to items #3, #5A & #5B)**
- 5. A. Rezoning #29-12-12; A request by Pat Mickle, agent for ERC Land Development Group, LLC, for a zone change from Not Zoned to Commercial Moderate (C-3) by Classification located at 8000 Zero Street. (companion item to items #3, #4 & #5B)**
B. A request to defer the requirement for a development plan located at 8000 Zero Street. (companion item to items #3, #4 & #5A)

Ms. Brenda Andrews read the staff reports indicating that the purpose of these requests is to facilitate future commercial development. Ms. Andrews noted that the applicant does not have a proposed development at this time and because of this has submitted a request for a deferral of a development plan at this time. Ms. Andrews also noted that planning staff is recommending approval of the development plan deferral subject to approval prior to the issuance of any building permit or change in land use.

Commissioner Maurras expressed his concerns relative to approving the deferral of a development plan.

Mr. Pat Mickle was present to speak on behalf of these requests. Mr. Mickle stated they felt their requests were reasonable for this location and by asking for a C-3 zoning classification it will eliminate a great deal of undesirable land uses. Mr. Mickle also noted that this zoning change was needed in order to be able to market the property.

No one was present to speak in opposition to these requests.

- 3. Preliminary Plat – Huntington Chase Commercial – Mickle-Wagner-Coleman**

Chairman Griffin called for the vote on the preliminary plat. Motion was made by Commissioner Parks, seconded by Commissioner Lorenz and carried unanimously to approve the preliminary plat subject to the developer agreeing to meet all franchise and City utility easement requirements and compliance with the City's Subdivision Design

and Improvement Standards and the Standard Specifications for Public Works Construction. Chairman Griffin then called for the vote on the preliminary plat as amended. The vote was 8 in favor, 0 opposed and 1 abstention (Griffin).

4. Master Land Use Plan Amendment from Not Classified to General Commercial located at 8000 Zero Street. (companion item to items #3, #5A & #5B)

Chairman Griffin called for the vote on the Master Land Use Plan Amendment. The vote was 8 in favor, 0 opposed and 1 abstention (Griffin).

5B. A request to defer the requirement for a development plan located at 8000 Zero Street. (companion item to items #3, #4 & #5A)

Chairman Griffin called for the vote on this request. Motion was made by Commissioner Howard, seconded by Commissioner Lorenz and carried unanimously to approve the development plan deferral request subject to approval of a development plan prior to the issuance of a building permit or change in land use.

Chairman Griffin then called for the vote on this request as amended. The vote was 8 in favor, 0 opposed and 1 abstention (Griffin).

5A. Rezoning #29-12-12; A request by Pat Mickle, agent for ERC Land Development Group LLC, for a zone change from Not Zoned to Commercial Moderate (C-3) by Classification located at 8000 Zero Street. (companion item to items #3, #4 & #5B)

Chairman Griffin called for the vote on the rezoning request. The vote was 8 in favor, 0 opposed and 1 abstention (Griffin).

6. A request by Thomas McGuire for a conditional use time extension for a church located at 2201 Fianna Oaks Drive.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow a time extension for the previously approved conditional use permit for the construction of the Kingdom Hall of Jehovah's Witnesses Church. Ms. Rice stated that the Planning Commission approved a conditional use request on December 13, 2011 and on November 9, 2012, Mr. McGuire received an administratively approved ninety (90) day time extension until March 13, 2013. Ms. Rice noted that in order to continue raising funds for the project, the church is requesting an additional time extension until March 13, 2015.

Mr. Thomas McGuire was present to speak on behalf of this request.

No one was present to speak in opposition to the request.

Chairman Griffin then called for the vote on the conditional use time extension. The vote was 9 in favor and 0 opposed.

Following the vote on this item, Commissioner Sharpe left the meeting.

7. **Master Land Use Plan Amendment from Commercial Neighborhood to General Commercial located at 2501 North 50th Street. (tabled from September 2012) (companion item to items #8 & #10)**
8. **Rezoning #22-9-12; A request by Al Prieur, agent for Mark & Amy Koenigseder, for a zone change from Commercial Regional (C-4) and Commercial Light (C-2) to Commercial Heavy (C-5) by Classification located at 2501 North 50th Street. (tabled from September 2012) (companion item to items #7 & #10)**
10. **Variance #27-9-12; A request by Al Prieur, agent for Mark & Amy Koenigseder, for a variance from 87,120 square feet to 79,323 square feet minimum lot area located at 2501 North 50th Street. (tabled from September 2012) (companion item to items #7 & #8)**

Ms. Maggie Rice read the staff reports indicating that the purpose of these requests is to allow the existing use to be in conformance with the zoning code. Ms. Rice stated that these requests were tabled at the Planning Commission's September 11, 2012, meeting, in order to allow the applicant more time to address enforcement issues on this property such as outdoor storage of salvage vehicles and salvage parts.

Mr. Al Prieur and Mr. Mark Koenigseder were present to speak on behalf of these requests. Mr. Prieur stated that approval of these requests would allow the applicant to maintain and operate his existing business more efficiently. Mr. Koenigseder noted that he desperately needed the additional room for his business.

No one was present to speak in opposition to these requests.

Following a discussion by the Commission, motion was made by Commissioner Maurras, seconded by Commissioner Parks and carried unanimously to table these requests until the February 2013 Planning Commission meeting.

9. **Home Occupation #17-12-12; A request by Jerminic Knauls for a home occupation for a massage therapy business located at 1813 North 13th Street.**

Ms. Brenda Andrews read the staff report indicating that the purpose of this request is to allow the applicant to provide massage specialties such as Swedish, deep tissue, sports and reflexology. Ms. Andrews stated that the applicant has indicated the business will operate by appointment only during the hours of 8:00 a.m. to 9:00 p.m., with no more than one client at a time.

Mr. Jerminic Knauls, 1813 North 13th Street, was present to speak on behalf of this request.

No one was present to speak in opposition to this request.

Motion was then made by Commissioner Parks, seconded by Commissioner Lorenz and carried unanimously to approve the home occupation subject to the following:

- All vehicles shall be parked in compliance with the Fort Smith Parking Regulations. A small gravel driveway is provided on site. No parking is allowed on the street.
- The business license cannot be transferred to another residence without a new Home Occupation Application.
- No commercial trash container will be placed at the residence.
- No sale of any retail or wholesale item or items shall take place on the premises.

Chairman Griffin then called for the vote on the home occupation request as amended. The vote was 8 in favor and 0 opposed.

RECESS PLANNING COMMISSION CONVENE BOARD OF ZONING ADJUSTMENT

11. Variance #40-12-12; A request by Cary Smallwood for a variance from 75 feet to 50 feet minimum lot width at building line located at 3823 Old Jenny Lind Road.

Ms. Maggie Rice read the staff report indicating that the purpose of this request is to allow for the construction of a duplex. Ms. Rice stated that the variance request is for the lot located nearest the gas well. Ms. Rice noted that the gas well radius significantly encroaches the lot and the owner would like to keep the existing single family home on the site. Ms. Rice stated that this is the same property that had two variance requests approved last month; however, staff inadvertently overlooked the third lot that required a variance.

Mr. Cary Smallwood was present to speak on behalf of this request.

Mr. Floyd Bross, 3910 South 24th Street and Mr. Larry Wilhelm, 8715 Kendall Court, addressed the Commission with their concerns relative to traffic, safety and devaluation of their properties.

Mr. Smallwood stated that this development would be unloading traffic onto Old Jenny Lind Road which would not affect traffic onto Jackson Street.

Following a discussion by the Commission, Chairman Griffin called for the vote on the variance request. The vote was 7 in favor, 0 opposed and 1 abstention (Cox).

The reason noted for approval of this variance request was that the existing gas well on this property significantly impacts development on this site.

Meeting Adjourned!

Master Land Use Plan Amendment

Memo

To: City Planning Commission

From: Planning Staff

Date: December 19, 2012

Re: Proposed Master Land Use Plan Amendment by Neal Rogers, agent, for John and Margaret Sexton, owners at 12901-13035 US Highway 71 from ETJ Neighborhood Commercial to ETJ Light Commercial Office

The Planning Department is in receipt of an application from Neal Rogers, agent to amend the *Master Land Use Plan* from ETJ Neighborhood Commercial to ETJ Light Commercial Office to accommodate a proposed rezoning to ETJ Commercial Moderate (ETJ C-3). The subject property is on the east side of US Highway 71. The tract contains an area of 6.32 acres with approximately 785 feet of street frontage along US Highway 71.

The existing zoning of the site is ETJ Open -1 (ETJ Open-1). A companion application proposes a change in the zoning classification from ETJ Open-1 (ETJ O-1) to ETJ Commercial Moderate (ETJ C-3) by classification. The *Master Land Use Plan* is a guide to zoning and development and must be considered with the companion application.

ADJACENT LAND USE CLASSIFICATIONS AND USES

Land Use classification and use contiguous to the subject lot are as follows:

The area to the north is classified as ETJ Neighborhood Commercial and is developed as a single family residence.

The area to the east is classified as ETJ Neighborhood Commercial and is developed as a single family residence.

The area to the south is classified as ETJ Neighborhood Commercial and is undeveloped.

The area to the west is classified as ETJ Neighborhood Commercial and is undeveloped.

2A

The proposed Land Use classification of ETJ Light Commercial Office is described as follows:

This classification is established to provide locations beyond the central area of the city, primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies US Highway 71 as Boulevard.

STAFF COMMENTS AND RECOMMENDATIONS

Staff recommends approval of the application contingent upon approval of the companion rezoning application.

Application Type

☐ Minor Amendment ☐ Standard Amendment ☐ Major Amendment
(See Section 27-328-5 C. (Criteria))

Request to Amend Map ☐ Request to Amend Text ☐

Applicant Name: Neal Rogers		
Firm Name:		
Address: 208 N. Wheeler Sallisaw OK 74955		
Phone # (day): 918 776 4700	Phone # (cell): 918 776 4700	Fax #: 918 776 9009
Owner Name: John P. Sexton and Margaret L. Sexton		
Owner Address: 2803 S. College Dr. Fayetteville Ar. 72701		
Phone # (day):	Phone # (cell):	Fax #:
Property Address (subject property):		
Subject Property		
Current Land Use: Vacant		
Existing MLUP Classification: ETJ Neighborhood Commercial		
Proposed MLUP Classification: ETJ Light Commercial Office		
Existing Zoning Classification: ETJ O-1		
Proposed Zoning Classification: ETJ C-3		
Surrounding Property		
Current Land Use: north- Residence		
south- Undeveloped		
east- Undeveloped		
west- Highway		
Existing MLUP Classification: north: ETJ Neighborhood Commercial		
south: ETJ Neighborhood Commercial		
east: ETJ Neighborhood Commercial		
west: ETJ Neighborhood Commercial		
Existing Zoning Classification: north: ETJ Open 1		
south: ETJ Open 1		
east: ETJ Open 1		
west: ETJ Open 1		
Pre-Application Meeting Date:		

For a Minor, Standard or Major Master Land Use Plan Amendment, please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

2C

1. A legal description of the subject property that is to be amended (reclassified).
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
3. The area dimensions of the property in square feet or acres.

4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

Highway 71 to the West and Howard Hill Road to the north. No change.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

Water, gas and electric all run along Howard Hill road on the north side of the property.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

7. Identify any known or anticipated environmental concerns:

None

For a Standard or Major Master Land Use Plan Amendment only, please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:

- a. Describe potential changes to development patterns in terms of local and regional impacts:

none

- b. Describe the consistency in zoning between existing and planned uses:

no apply

- c. Provide explanation of the need for and demand in the proposed uses:

no apply

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

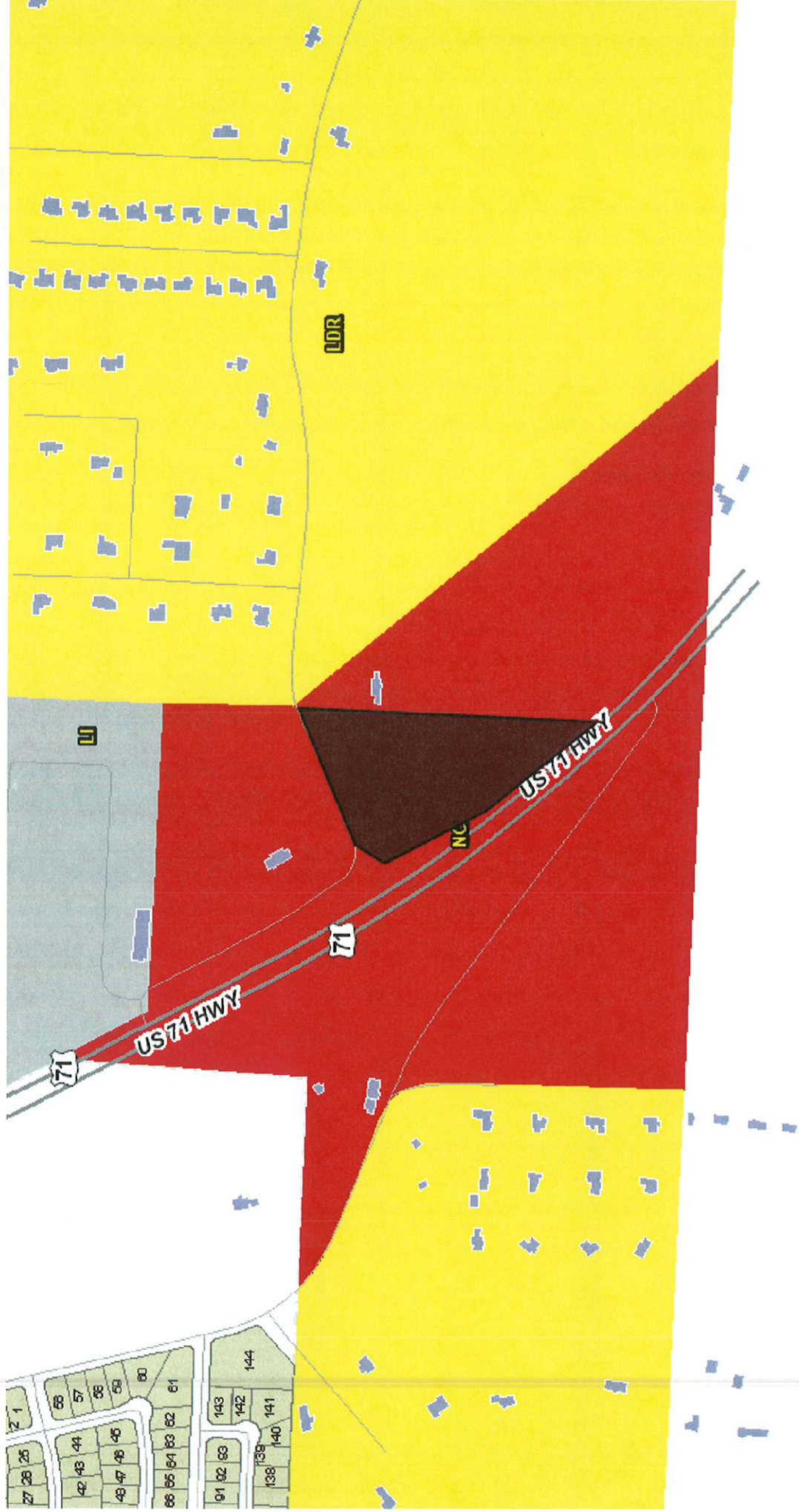
For a Comprehensive Plan-Text Amendment only, please attach the following information. Provide answers on a separate sheet and attach it to this application:

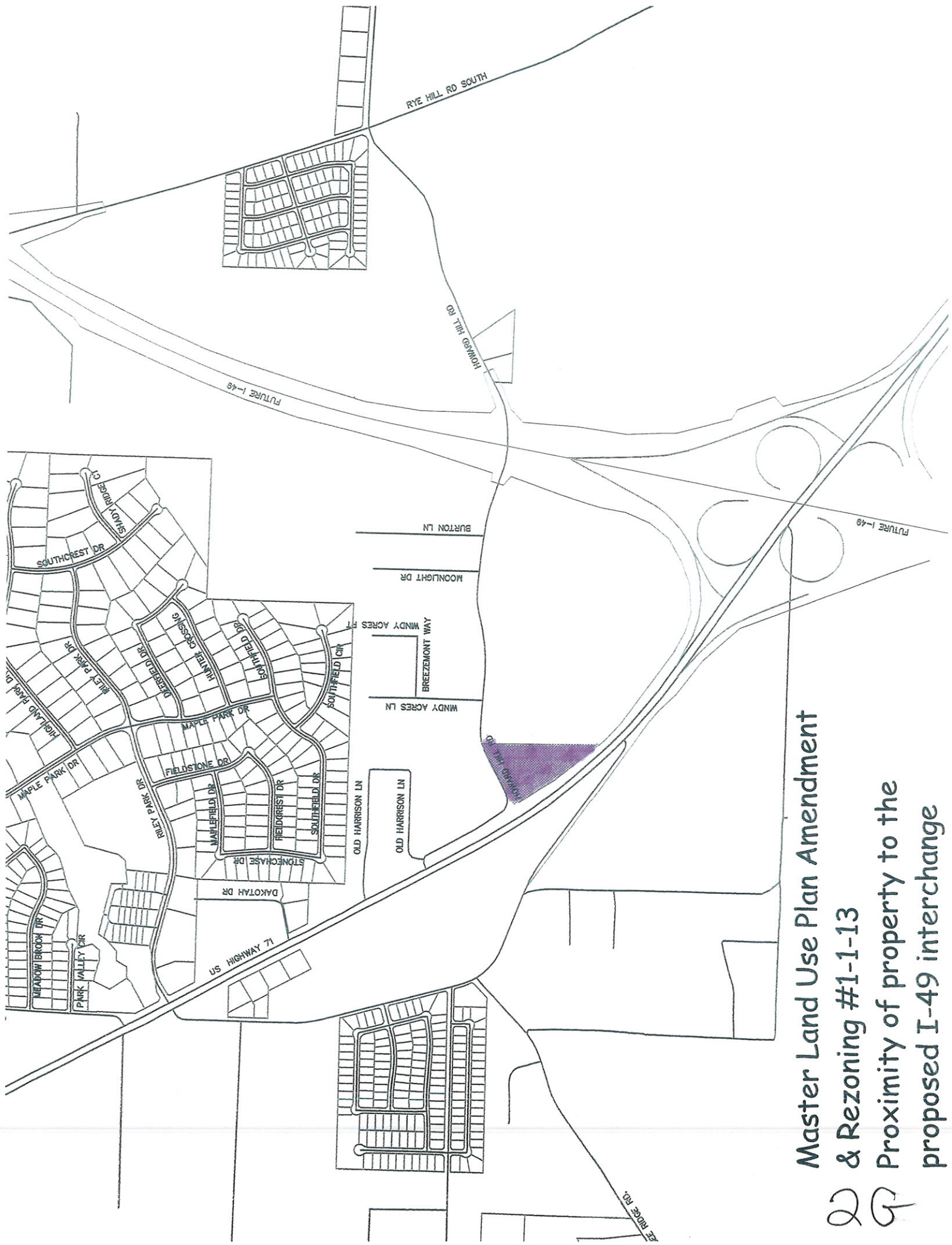
1. A typewritten copy of the proposed changes to the text in underline/strikeout (also known as "track changes") format.
2. A description of the reasons supporting the amendment and the special circumstances requiring the change:

QE

Master Land Use: From ETJ Neighborhood Commercial to ETJ Light Commercial Office

12901-13035 US Highway 71





Master Land Use Plan Amendment

& Rezoning #1-1-13

Proximity of property to the proposed I-49 interchange

22
Q

Memo

To: City Planning Commission

From: Planning Staff

Date: December 19, 2012

Re: Rezoning #1-1-13 - A request by Neal Rogers, agent, for John and Margaret Sexton, owners for Planning Commission consideration of a zoning request from ETJ Open-1 to ETJ Commercial Moderate (ETJ C-3) by classification 12901-13035 US Highway 71

LOT LOCATION AND SIZE

The subject property is on the east side of US Highway 71. The tract contains an area of 6.32 acres with approximately 785 feet of street frontage along US Highway 71.

EXISTING ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Open-1(ETJ Open-1). Characteristics of this zone are as follows:

Purpose:

A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction's population.

Permitted Uses:

Single family homes, duplexes, nurseries and greenhouses, truck farms, golf courses, fire and police station, utility substations and parks, playgrounds and other open spaces.

Conditional Uses:

Agricultural uses (limited), churches, country clubs more than ten (10) acres, boarding schools, nursing homes, orphanages, educational services and public buildings.

REQUESTED ZONING

The existing zoning on this tract is Extraterritorial Jurisdiction Commercial Moderate (ETJ C-3). Characteristics of this zone are as follows:

Purpose:

To provide for general commercial activities, offices, and services to serve the community. This district promotes a broad range of activities, commercial operations, and services that are dispersed throughout the city and designed at a smaller scale than a regional center. C-3 zoning is appropriate in the light commercial office classification of the ETJ land use map.

Permitted Uses:

Townhouse, multifamily, neighborhood group home II, community residential facility, bed and breakfast inn, rooming and boarding, auto detail, auto parts, accessories, convenience store with gas sales, clothing and personal item repair, new furniture or home furnishings, hardware, home centers, lawn and garden, department store, clothing, jewelry, luggage, shoes, florist, tobacco, restaurant, flea market (indoor only), grocery store, pharmacy and financial institutions are examples of permitted uses.

Conditional Uses:

Orphanage, homeless shelter, dormitory, sorority, fraternity, medical laboratory, bar, utilities and utility services, museum, country club, athletic/health club, community center, day camp, natural and other recreational parks, educational services (limited), police, fire, emergency response, child day care (up to 12 children), day care center and religious institutions are examples of uses permitted as conditional uses..

Area and Bulk Regulations:

Minimum Lot Size – 12,000 square feet	Maximum Height - 35 feet
Maximum Building Size – 60,000 square feet	Maximum Lot Coverage - 60%
Minimum Lot Width at Setback Line – 75 feet	
Minimum parcel/lot size for rezoning – New District (By Classification) – 2 acres	
Minimum parcel/lot size for rezoning – Existing District (By Extension) – 20,000 square feet	
Minimum Street Frontage – N/A	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 20 feet	
Rear Yard Setback - 20 feet	
Side/Rear Setback abutting RS – 30 feet	
Required street access: Major Collector or higher	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned ETJ Open-1 and is developed as a single family residence.

The areas to the east are zoned ETJ Open-1 and is developed as single family residence.

The areas to the south are zoned ETJ Open-1 and is undeveloped.

The areas to the west are zoned ETJ Open-1 and is undeveloped.

LAND USE PLAN COMPLIANCE

The ETJ Master Land Use Plan currently classifies the site as ETJ Neighborhood Commercial. A companion Master Land Use Plan application proposes to change the classification to ETJ Light Commercial Office to accommodate the proposed ETJ C-3 zoning district.

PROPOSED ZONING

The rezoning request will enable the owner to sell the property to commercial buyers.

STAFF COMMENTS AND RECOMMENDATIONS

At this time, Mr. Rogers wishes to obtain a commercial zoning district to make the property more marketable.

Staff recommends approval of the application with the following comments:

1. Access is limited to the US Highway 71 frontage and not from Howard Hill Road.
2. Development Plan approval by the Planning Commission prior to any development.

PETITION FOR CHANGE IN ZONING MAP

Before the Planning Commission of the City of Fort Smith, Arkansas

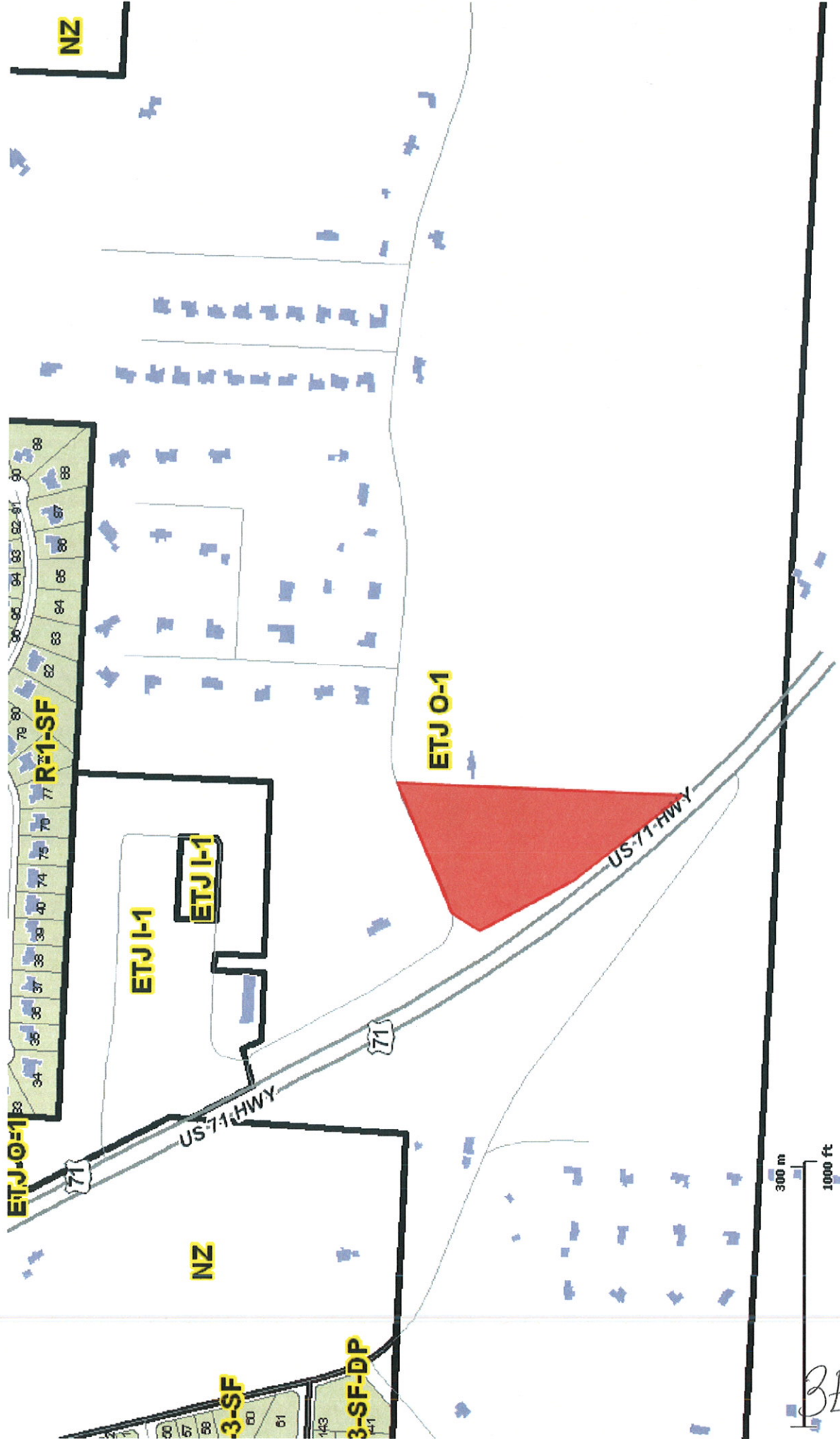
The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description)
2. Address of property: _____
3. The above described property is now zoned: ETS Open 1
4. Application is hereby made to change the zoning classification of the above described property to ETS C-3 by classification.
(Extension or classification)
5. Why is the zoning change requested?
To enable the owner to sell the property to commercial buyers as the land is not suited for residential.
6. Submit any proposed development plans that might help explain the reason for the request.

J. Neal RogersOwner or Agent Name
(Please print)J. Neal RogersOwner or Agent
(Please sign)208 W. Wheeler Sallisaw OK
Owner or Agent Mailing Address 7495512-5-2012
Date918-776-4700
Owner or Agent Phone Numberjnealrogers@yahoo.com
Email

Rezoning #1-1-13: From ETJ Open-1 to ETJ Commercial Moderate (ETJ C-3)

12901-13035 US Highway 71



MEMO

To: City Planning Commission
From: Planning Staff
Date: December 20, 2012
Subject: Development Plan – 9102 Rogers Avenue

The Planning Department is in receipt of a development plan from Morrison-Shipley Engineers, agent, for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper, for a proposed Convenience Store with gasoline Sales at 9102 Rogers Avenue. (Companion to item #10)

TRACT LOCATION AND SIZE

The subject property is on the south side of Rogers Avenue between South 91st Street and Meandering Way. The tract contains an area of 1.73 acres with approximately 350 feet of street frontage along Rogers Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose: To provide for adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial classification of the Master Land Use Plan.

Permitted Uses: Permitted uses include a variety of retail establishments, finance, grocery, beverage and restaurant establishments, as well as multi-family residential.

Conditional Uses: Schools and religious institutions, restaurants with outdoor dining, and beer gardens are examples of uses permitted as conditional uses.

Bulk & Area Regulations:

Minimum Lot Size – 14,000 s.f.
Minimum Lot Width – 100 feet
Maximum Lot Coverage – 75%
Maximum Height – 45 feet (1 + 1)
Front Yard Setback – 25 feet
Side Yard Setback – 20 feet
Side Yard on Street Side of Corner Lot – 15 feet
Rear Yard Setback – 20 feet
Rear/Side Yard Adjoining Single Family Residential District/Development – 30 feet

4A

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and is undeveloped.

The area to the east is zoned Commercial Heavy (C-5) and is developed as mobile home sales.

The area to the south is zoned Commercial Heavy (C-5) and is developed as a single family residence.

The area to the west is zoned Commercial Heavy (C-5) and is undeveloped.

PROPOSED DEVELOPMENT PLAN

The development plan will facilitate a Convenient Store with gasoline sales.

INGRESS/EGRESS/TRAFFIC CIRCULATION

It is proposed that ingress and egress into the site will be provided with two driveways accessing Rogers Avenue. Both driveways proposed on the site will be 35' wide

Based on information provided by Morrison-Shiple, delivery trucks will enter the site on the west driveway and exit at the east driveway. Please see enclosed semi-truck turning template illustrating this information.

TRAFFIC INFORMATION STATEMENT

A traffic information statement has been submitted to the city's engineering department and was determined acceptable for this development. A copy of the traffic information statement is enclosed.

EASEMENTS/UTILITIES

The developer must agree to meet all franchise and city utility easement requirements.

DRAINAGE

A detention basin is proposed in the southeast corner of the property. All drainage must comply with the city's 2011 Storm Drainage Standards.

SITE DESIGN

Landscaping – The preliminary development shows perimeter landscaping along Rogers Avenue. The landscaping design complies with the Unified Development Standards, which requires a minimum 10' wide landscaped area parallel to street right-of-way to consist of one tree plus ten shrubs per 50' of right-of-way frontage. The plan incorporates parking lot screening along Rogers Avenue and also includes interior landscaping that complies with the Unified Development Ordinance.

Parking – Fifteen (15) parking spaces are provided. This exceeds the UDO's minimum parking requirements.

Sidewalks – A 5' sidewalk is proposed on the north side of the site adjacent to Rogers Avenue.

Signage – A monument sign is proposed to be located on the east side of the development is acceptable. The sign shall require a separate permit submittal.

Lighting – The development plan did not provide details on exterior lighting. The final development plan must provide details on the proposed exterior lighting that complies with Section 27-602-5 of the Unified Development Ordinance.

Architectural Features – Exterior finish materials for the buildings include brick and EIFS on all facades. The exterior materials exceed the minimum 51% requirement for high-quality materials as required in the Transitional and Commercial Building Design Standards in Section 27-602-4(C) of the Unified Development Ordinance.

Roof-Top Screening – All rooftop mechanical units are screened as shown in the development plan elevations.

Residential Screening – An existing landscape buffer and a proposed 6' tall wood screening fence is shown on the rear property line to screen the site from the residence located south of the convenience store.

Dumpster & Utility Box Screening – A dumpster located in the southwest corner of the property will be screened with a 6' brick enclosure with wood gates. A proposed electric transformer east of the building must be screened from the adjoining property to east.

Setbacks – The site complies with the Commercial-5 setbacks with the exception of the rear-yard setback. A 30' rear-yard setback is required when the site adjoins property that is zoned or developed as single family residential. The applicant has submitted a companion application requesting a rear-yard setback from 30' to 10'.

STAFF COMMENTS

A neighborhood meeting was held Thursday, December 27th, 2012 at 5:30 p.m. at the Fort Smith Public Library at 3201 Rogers Avenue. One adjacent property owner attended the meeting. No objections or concerns were expressed during the meeting. A copy of the attendance record and meeting summary are enclosed. Staff received a phone call in August when the project was first proposed from a nearby property owner who had questions about any future expansion of 91st street and concerns about traffic generated by the proposed convenience store.

Staff recommends approval of the development plan with the following conditions:

1. BZA approval of the companion variance application for rear-yard setback and driveway separations from street intersection and adjacent driveways.

4C

2. Development Plan approval shall be based on the site plan, landscape plan, submitted (Date 12-20-12, Project No CAS-08) and elevations as submitted.
3. The pump island canopy shall comply with section 27-404-C-7 of the UDO. (The canopy shall be a minimum height of at least twelve (12) feet).
4. The landscaping used for parking lot screening shall be a dense vegetative buffer and three (3) feet above finished parking lot elevation within twenty-four (24) months of installation in accordance with section 27-602-3(C) of the Unified Development Ordinance.
5. The electric transformer utility box shall be screened from the adjoining property to the east.
6. Ground signs shall be limited to the monument sign shown on the submitted development plan.
7. Submittal of sign permit applications for any signage.
8. All lighting shall conform to section 27-602-5 of the Unified Development Ordinance.

DEVELOPMENT PLAN REVIEW APPLICATION

Before the Planning Commission of the City of Fort Smith, Arkansas

The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830, representing to the Planning Commission as follows:

1. The applicant is the owner or the agent for the owner(s) of real estate situated in the City of Fort Smith, Sebastian County, Arkansas, described as follows: (Insert legal description) See Exhibit "A" Attached

2. Address of property: 9102 Rogers, Avenue, Fort Smith, AR 72903

3. The above described property is now zoned: C-5 (Heavy Commercial District)

4. Does the development plan include a companion rezoning request?
Yes _____ No X _____

5. If yes, please specify the companion application submitted:
 - Conventional Rezoning
 - Planned Rezoning
 - Conditional Use
 - Master Land Use Plan Amendment
 - Variance

6. If applicable, a companion rezoning application is proposed to change the zoning classification of the above described property to:
N.A. by _____.
(Zoning Classification) (Extension or classification)

7. Existing zoning, structures and driveways on surrounding properties within 300 feet of subject property:
C-5

8. Total acreage of property 1.73 Acres

4E

Signed:

Morrison Shipley Engineers, Inc.

Owner or Agent Name

(please print)

2407 SE Cottonwood Street

Bentonville, AR 72712

Owner or Agent Mailing Address

(479) 272-2209

Owner or Agent Phone Number

Owner

or

Kim M. [Signature]
Agent

4F

NEIGHBORHOOD MEETING SUMMARY
PROPOSED CASEY'S GENERAL STORE – 9102 ROGERS AVENUE

A neighborhood meeting was held yesterday at 5:30 p.m. in the Fort Smith Public Library (3201 Rogers Avenue) to discuss the development plans, a rear-yard setback variance, and driveway separation variance requests for a proposed Casey's General Store at 9102 Rogers Avenue. A PDF file of the attendance sheet is attached.

Jeanie Sharpe, owns the property east and south of the Casey's site, was the only adjacent property owner who attended. I explained the proposed site layout with her and we discussed the changes that have been made from the previous layout. I verified that there is no longer a proposed driveway connection from Casey's to her proposed driveway. She asked Brenda Andrews, City of Fort Smith Planner, if there is any concern regarding the proximity of the proposed east drive and her driveway. Brenda said that considering there is not much traffic that currently utilizes her driveway, she didn't not think it would be a concern. During the meeting, Ms. Sharpe seemed to be supportive of the changes that have been made and the overall project.

We have a study session with the City of Fort Smith and the Fort Smith Planning Commissioners on 01.02.12 regarding the variance requests and the development plans. I will let everyone know how that meeting goes. Please contact me if anyone has any questions.

Thanks,

Kevin McClafflin
Morrison-Shipley Engineers, Inc.
Engineers-Surveyors
2407 S.E. Cottonwood Street
Bentonville, AR 72712
Office: (479) 273-2209
Fax: (479) 273-2553
www.morrisonshipley.com

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ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Fort Smith Public Library

Meeting Time & Date 5:30, December 27, 2012

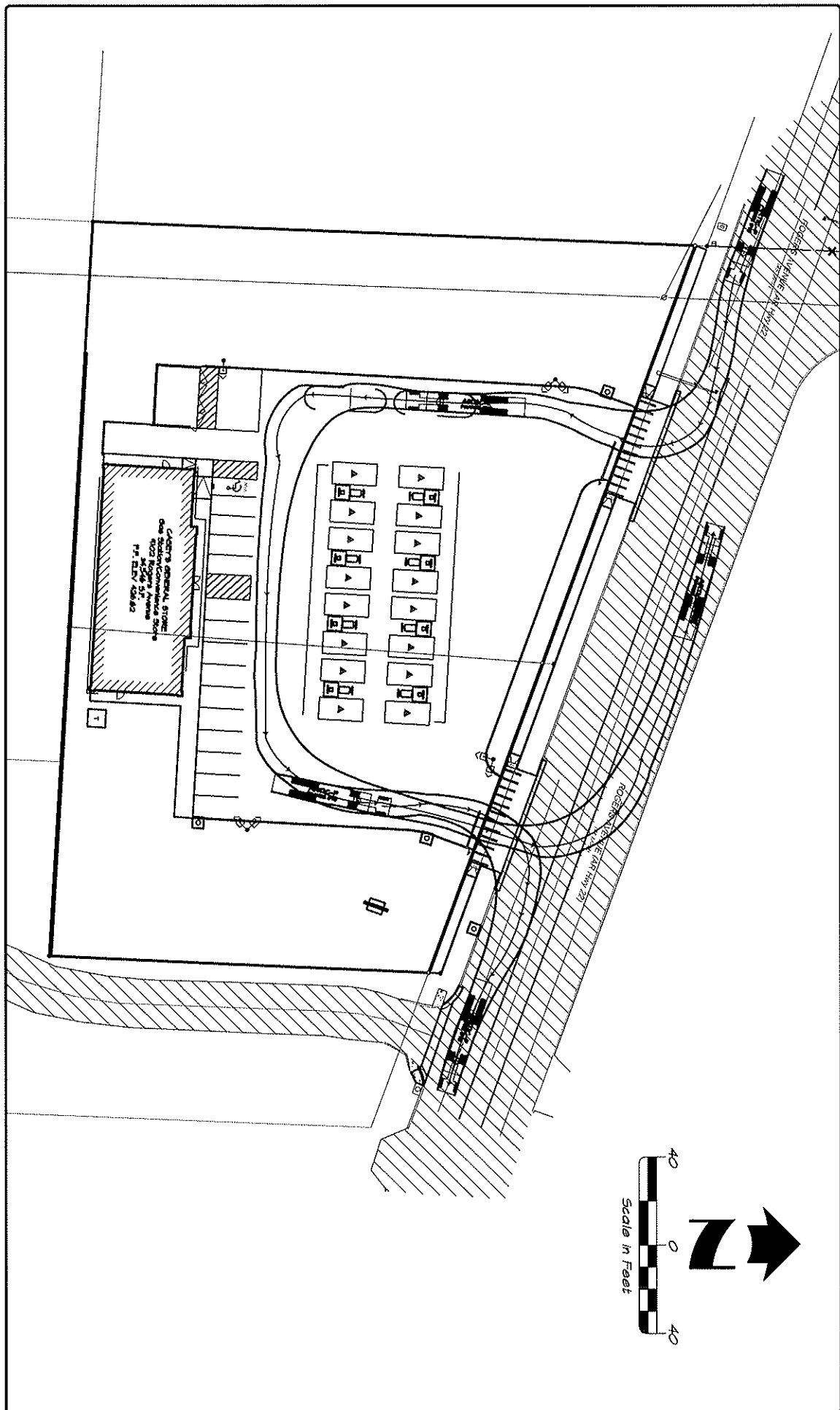
Meeting Purpose Variance Requests

NAME

ADDRESS
PHONE #

1. Jeanie Gray 9202 Rogers Ave 4796506088
2. Brenda Amos Fort Smith Planning Dept.
3. Kevin McClinton MSF
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____
11. _____

17



Project	1	1
Client	1	1
Design	1	1
Construction	1	1
Operation	1	1
Maintenance	1	1
Demolition	1	1
Other	1	1

MORRISON SHIPLEY
ENGINEERS & ARCHITECTS

2007 280 Commercial Street • Birmingham, AL 35203 • 205.333.2000 • morrisonshipley.com

FOR REVIEW

Project No.	1
Revision No.	1
Approved By	1
Check	1
Drawn By	1
Scale	1
Date	1

CASEY'S GENERAL STORE
9102 Rogers Avenue
Fort Smith, Sebastian County, Arkansas

Truck Travel Path Exhibit
Issued for Review - 12.14.12

Sheet No.	1
Sheet No.	1



MORRISON SHIPLEY

ENGINEERS • SURVEYORS

January 2, 2013

Ron Teeter
Engineering Department
City of Fort Smith
623 Garrison Avenue
Fort Smith, Arkansas 72902

RE: Casey's General Store
Traffic Information Statement
9102 Rogers Avenue, Fort Smith

Dear Mr. Teeter:

On behalf of Casey's Marketing Company, please find attached the preliminary site plan for *Casey's General Store*. The proposed development is located southeast of the Rogers Avenue and 91st Street intersection. A vicinity map is included on the site plan. Casey's General Store will serve as a gas station/convenience store. The store operating hours are from 6:00 A.M. to 11:00 P.M. 7 days a week. The proposed building is 4,346 square feet with a 66' x 114' canopy over the fueling bays in front of the building. There are 15 proposed parking stalls in addition to 16 fueling bays. The parking lot will be concrete pavement with concrete curb.

Casey's General Store currently proposes two entrance drives along the south side of Rogers Avenue. Both proposed entrance drives are approximately 35' wide. The centerline of the proposed west entrance is approximately 96' from the west boundary line and 90.33' from the 91st Street and Rogers Avenue intersection (northwest of the site). The centerline of the east entrance drive is approximately 77.5' from the east boundary line and 104' from the centerline of the adjacent driveway to the east of this site.

Based upon previous Casey's General Store Project analysis, the following traffic impact counts are estimated for this site:

Total Peak AM In:	70 Trips	Percent Pass By (62%):	43 Trips
Total Peak AM Out:	70 Trips	Percent Pass By (62%):	43 Trips
Total Peak Noon In:	75 Trips	Percent Pass By (58%):	44 Trips
Total Peak Noon Out:	75 Trips	Percent Pass By (58%):	44 Trips
Total Peak PM In:	95 Trips	Percent Pass By (56%):	53 Trips
Total Peak PM Out:	95 Trips	Percent Pass By (56%):	53 Trips

45

Note: pass by trips are considered to be that portion of the site destined traffic likely to come from the existing adjacent street traffic.

Total New Trips (Total Trips Excluding Pass-By Traffic)

Total Peak AM In: 27 Trips
Total Peak AM Out: 27 Trips

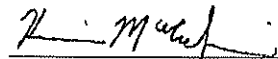
Total Peak Noon In: 31 Trips
Total Peak Noon Out: 31 Trips

Total Peak PM In: 42 Trips
Total Peak PM Out: 42 Trips

All of the traffic flowing into and out of the proposed site will access Rogers Avenue. The Arkansas Highway and Transportation Department lists an Average Daily Traffic count of 19,000 vehicles daily for Rogers Avenue in this area.

Thank you for your review and consideration of this project. If you should have any questions, comments, or need additional information, please call.

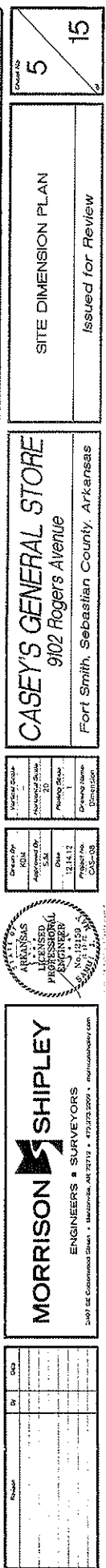
Sincerely,
Morrison-ShIPLEY Engineers, Inc.

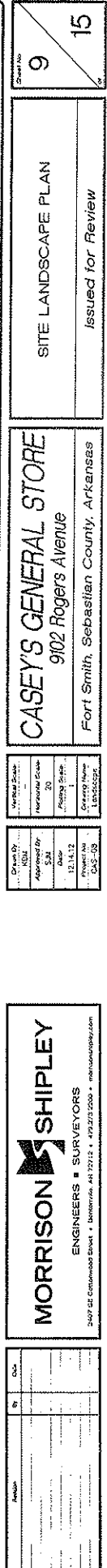


Kevin McClafflin
Project Manager

Cc: Casey's Marketing Company, file

HK

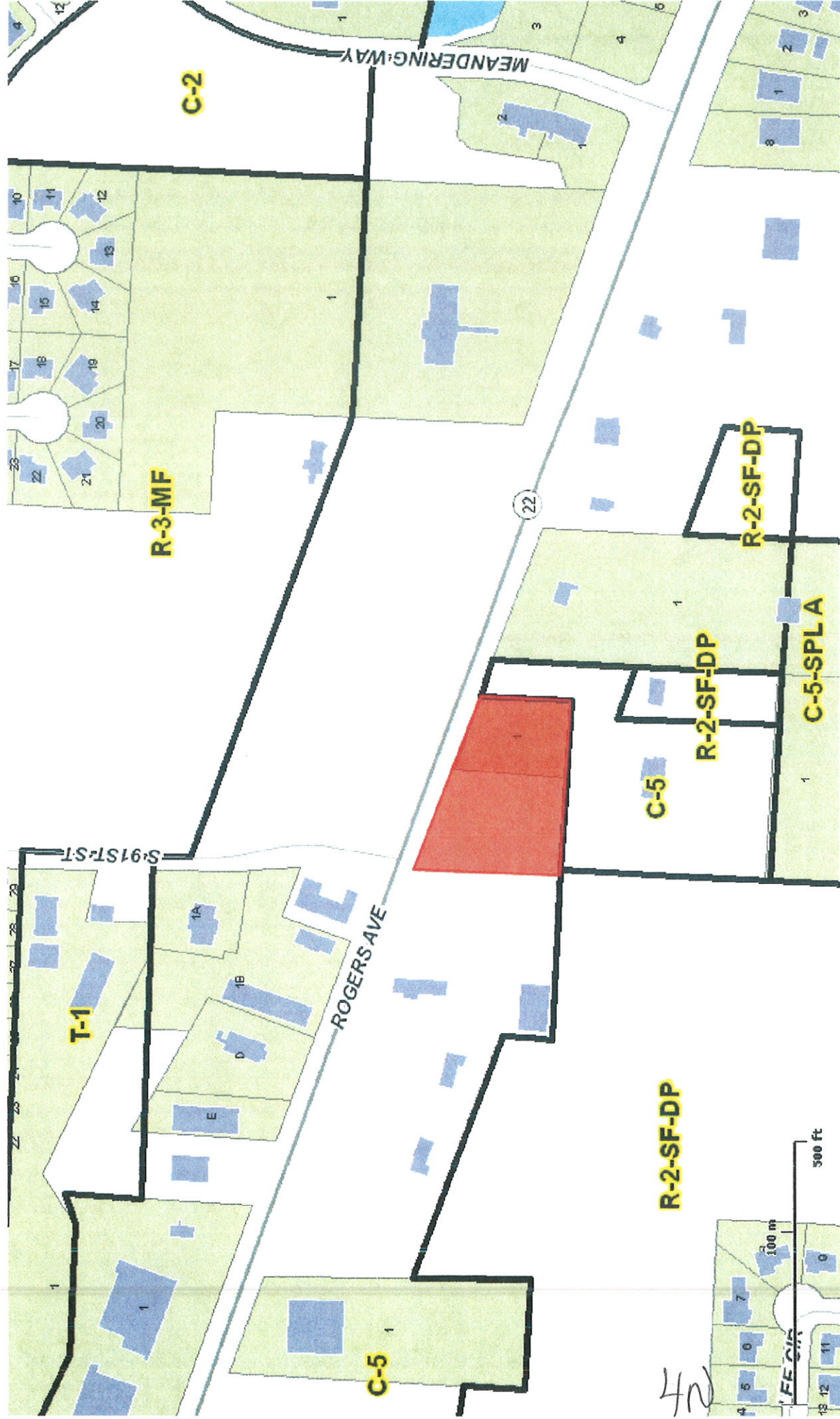




4 M

Development Plan Review: Convenience Store with gasoline sales

9102 Rogers Avenue



Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: December 19, 2012

Re: Conditional Use #1-1-13 - A request by Michael Johnson, agent, for Anthony Taylor, Diocese of Little Rock for Planning Commission consideration of a Conditional Use request to develop a Church Youth Center at 1211 Garrison Avenue

LOT LOCATION AND SIZE

The subject property is on the north side of Garrison Avenue between North 12th & 13th Streets. The tract contains an area of .15 acres with approximately 60 feet of street frontage along Garrison Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Downtown (C-6). Characteristics of this zone are as follows:

Purpose:

To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) zoning district establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-6 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, homeless shelter, medical laboratory, bus station, parks, educational facilities, detention facility, police station, community health and welfare

5A

clinic, daycare center, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Maximum Lot Size – N/A

Maximum Height – N/A

Maximum Lot Coverage - 100%

Minimum Parcel/Lot Size for Rezoning – Existing District (By Extension) – 42,000 square feet

Minimum Lot Width – N/A

Front Yard Setback – N/A

Side Yard on Street Side of Corner Lot – N/A

Side Yard Setback – N/A

Rear Yard Setback – N/A

SURROUNDING ZONING AND LAND USE

All surrounding areas are zoned Commercial Downtown (C-6).

The areas to the north, south, and west are developed as retail businesses and offices.

The area to the east is developed as a church.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Regional Center. This classification is intended to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting. Approval of the zone change will not conflict with the goals and objectives of the Master Land Use Plan.

PROPOSED CONDITIONAL USE

The approval of this Conditional Use will allow an existing commercial building to be used as a youth center and worship facility for Immaculate Conception Church. The youth center will consist of a classroom area, office, restrooms, kitchen and worship area.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Monday, December 17, 2012, at the Immaculate Conception Parish Hall located at 22 North 13th Street. No adjacent property owners attended the meeting. Staff has received no objections or concerns regarding the proposed youth center.

The Central Business Improvement District reviewed the renovation plans at its December 13th meeting and supports the project. (Please see enclosed e-mail from Jayne Hughes, Downtown Development Coordinator). The Commercial Downtown (C-6) zone has no parking requirements; however, an existing parking located just to the east of the proposed church will be utilized.

Staff recommends approval of the request.

Conditional Use # 1-1-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: DIOCESE OF LITTLE ROCK (ANTHONY TAYLOR)

Name of Authorized Agent (if applicable) _____

Legal Description of property included in the conditional use request:

LOT 2, BLOCK 9, FITZGERALD ADDITION TO THE
CITY OF FORT SMITH, AR

Street Address of Property:

1211 GARRISON AVE.

Existing Zoning Classification: C 6

Proposed Zoning Classification (if applicable): NA

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

ATTACHED SITE PLAN. EXISTING BUILDING
WAS USED AS A BUSINESS, IT WILL NOW HOUSE CHURCH
FUNCTIONS.

What amenities are proposed such as landscaping and screening?

PROPOSED INTERIOR RENOVATION WILL IN NO WAY
AFFECT OR DIMINISH THE EXISTING LANDSCAPING OR SCREENING.

Michael G. Johnson, AIA
Architecture Plus, Inc.

~~Owner or Agent (Print)~~
907 South 21st Street
Fort Smith, AR 72901

Signed:

~~Owner or Agent Mailing Address~~

~~Owner~~

Or

479-783-8395
~~Owner or Agent Phone Number~~

Michael G. Johnson
Agent

5D

Conditional Use #1-1-13: Youth Center for IC Church

1211 Garrison Avenue





SITE PLAN

SCALE: 1"=50'-0"



ARCHITECTURE PLUS, INC.

907 South 21st Street Fort Smith, Arkansas 479/783-8395

IMMACULATE CONCEPTION CHURCH - YOUTH BUILDING
FORT SMITH, ARKANSAS

PROJECT: 12-47

DATE: 08-07-2012

DRAWING NO.:

5F

Andrews, Brenda

From: Hughes, Jayne
Sent: Thursday, December 13, 2012 4:04 PM
To: Andrews, Brenda
Subject: IC Church Building

Brenda,

I wanted to let you know that the CBID approved the changes to the east wall of the building and requested that when the canopies come down they either consider a complementary color of canopy to the new exterior paint color and not reinstall them back on the building. Carl presented the project and he will bring it back to them when he knows what the new owner wants to do.

Thanks.

Jayne

Jayne Hughes

Downtown Development/CBID

City of Fort Smith

623 Garrison

Fort Smith, AR 72901

479-784-1001

<http://www.GoDowntownFS.com/>

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: December 19, 2012

Re: Conditional Use #2-1-13 - A request by Michael Johnson, agent, for the Special School District of Fort Smith for Planning Commission consideration of a Conditional Use for expansion of Woods Elementary School at 3201 Massard Road, (companion item #12)

LOT LOCATION AND SIZE

The subject property is on the east side of Massard Road, just north of the Wal-Mart Super Center. The tract contains an area of 12 acres with approximately 350 feet of street frontage along Massard Road.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

6A

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Single Family-Duplex Medium/High Density (RSD-3) and is developed Chaffin Junior High School.

The area to the east is zoned Residential Single Family-Duplex High Density (RSD-4) and is developed as Fort Smith Boys & Girls Club.

The area to the south is zoned Commercial Heavy (C-5) and is developed as the Wal-Mart Super Center and various other retail businesses.

The area to the west is zoned Transitional (T) and is developed as a fire station and single family residences.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Public Institutional. This classification is to provide for needed community services of both a public and quasi-public nature.

LB

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Single Family-Duplex Medium/High Density (RSD-3) and is developed Chaffin Junior High School.

The area to the east is zoned Residential Single Family-Duplex High Density (RSD-4) and is developed as Fort Smith Boys & Girls Club.

The area to the south is zoned Commercial Heavy (C-5) and is developed as the Wal-Mart Super Center and various other retail businesses.

The area to the west is zoned Transitional (T) and is developed as a fire station and single family residences.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Public Institutional. This classification is to provide for needed community services of both a public and quasi-public nature.

6C

1. The final development plan must provide details on the proposed exterior lighting that complies with Section 27-602-5 Commercial and Outdoor Lighting requirements.
2. Submittal of a sign permit application for staff review of any new signage.
3. Board of Zoning Adjustment approval of the companion application for a variance for minimum separation between driveways from 200' to 100'.

Conditional Use # 2-1-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: SPECIAL SCHOOL DISTRICT OF FORT SMITH

Name of Authorized Agent (if applicable) _____

Legal Description of property included in the conditional use request:

SW NW NE & N/2 N/2 SW/NE SEC. 30-8-31

Street Address of Property:

3201 MASSARD RD

Existing Zoning Classification: RM 3

Proposed Zoning Classification (if applicable): NA

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

EXISTING BUILDING WILL CONTINUE TO BE USED FOR ELEMENTARY EDUCATION.

PROPOSED CONSTRUCTION - RENOVATION/CONVERSION & CLASSROOM/ADMIN. ADDITIONS

What amenities are proposed such as landscaping and screening?

PROPOSED CONSTRUCTION WILL IN NO WAY AFFECT OR DIMINISH THE EXISTING LANDSCAPING OR SCREENING

Michael G. Johnson, AIA
Architecture Plus, Inc.

Owner or Agent Name (if Agent)
907 South 21st Street
Fort Smith, AR 72901

Owner or Agent Mailing Address

479 - 783 - 8395
Owner or Agent Phone Number

Signed:

X
Owner

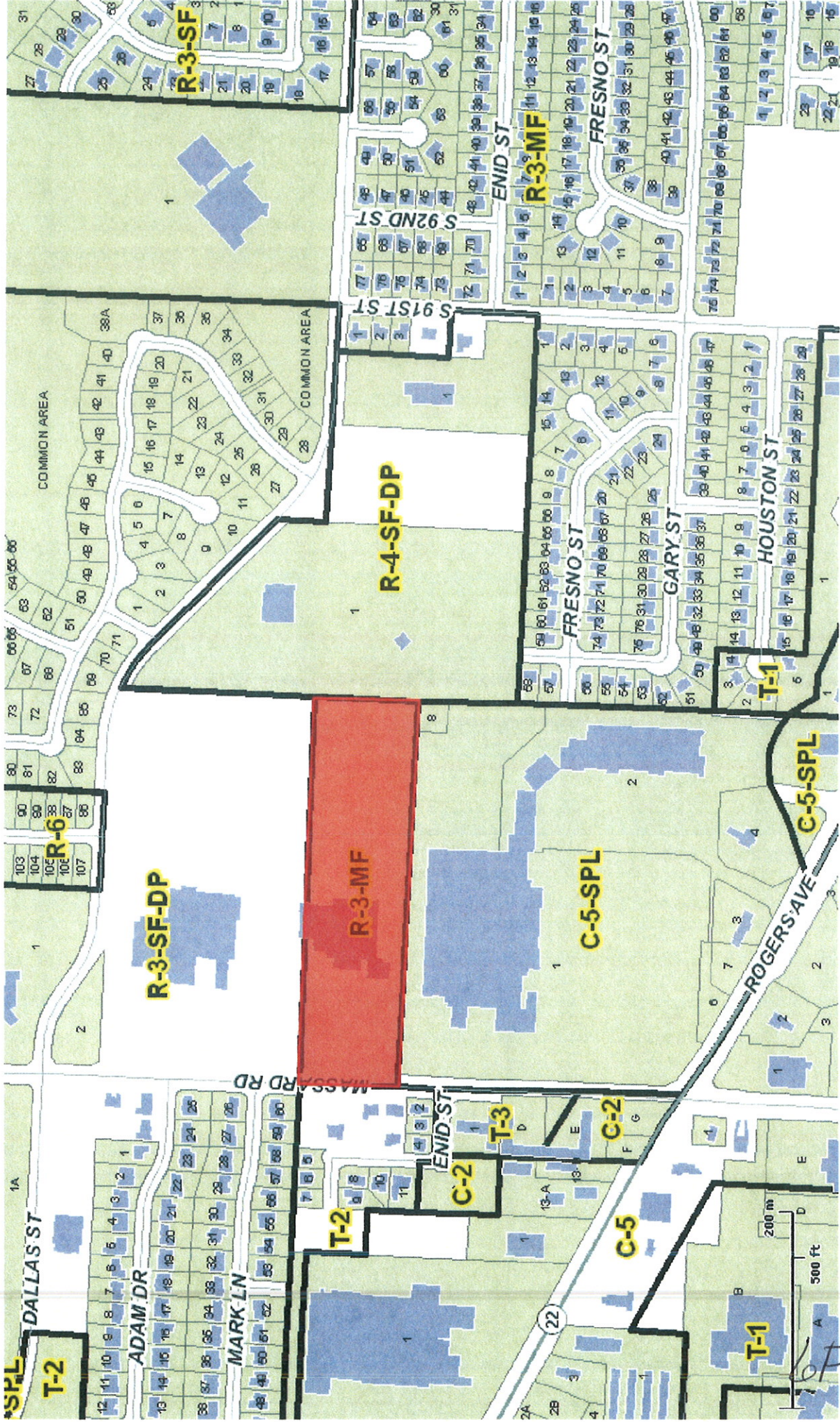
Or

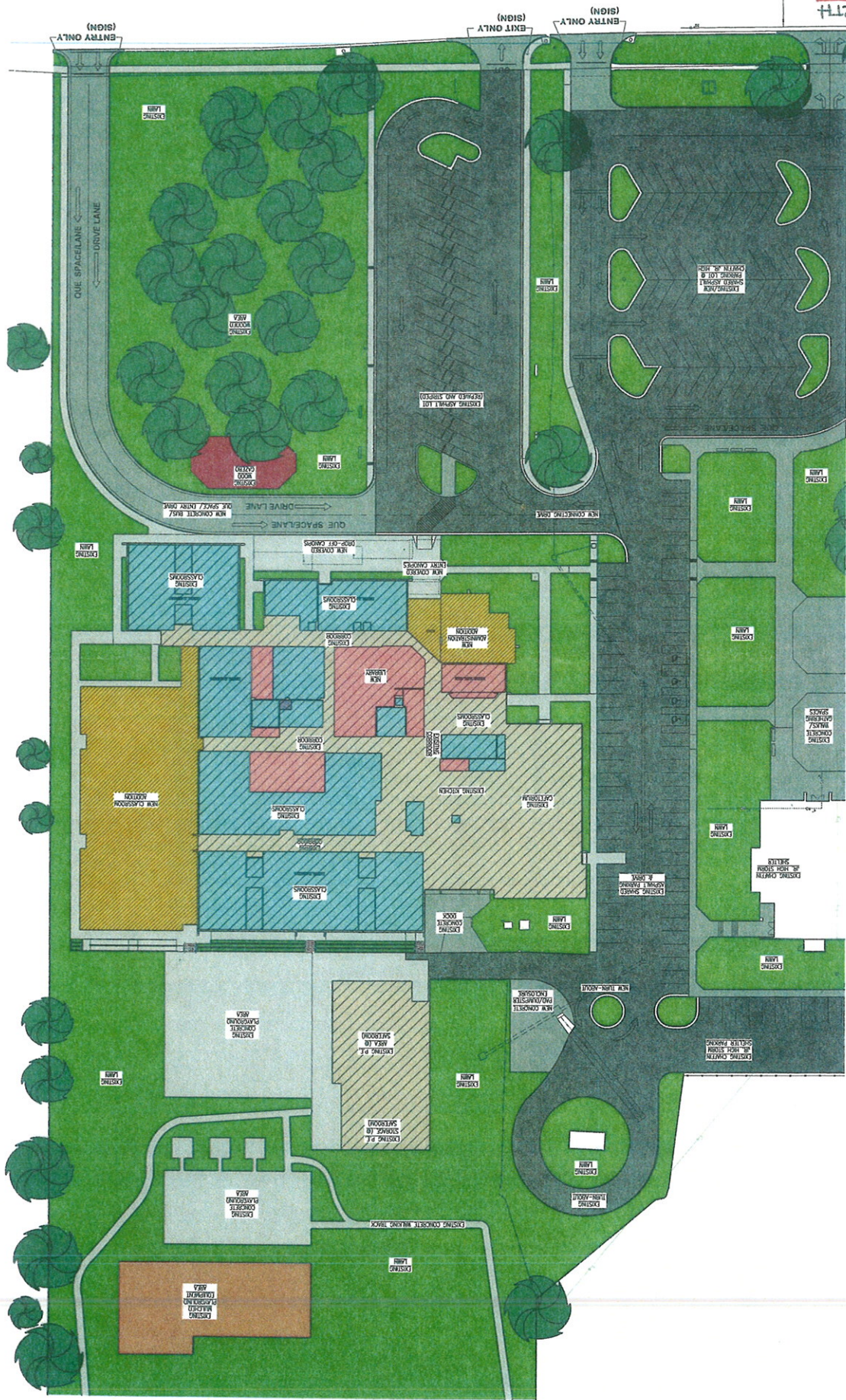
Michael G. Johnson
Agent

6 E

Conditional Use #2-1-13: Remodel and Additions to Woods Elementary School

3201 Massard Road





ARCHITECTURAL SITE PLAN

WOODS ELEMENTARY SCHOOL ADDITIONS & RENOVATIONS
 FORT SMITH PUBLIC SCHOOLS
 3201 MASSARD ROAD, FORT SMITH, ARKANSAS 72903

ARCHITECTURE PLUS, INC.
 907 South 21st Street Fort Smith, Arkansas 479/783-8395



66



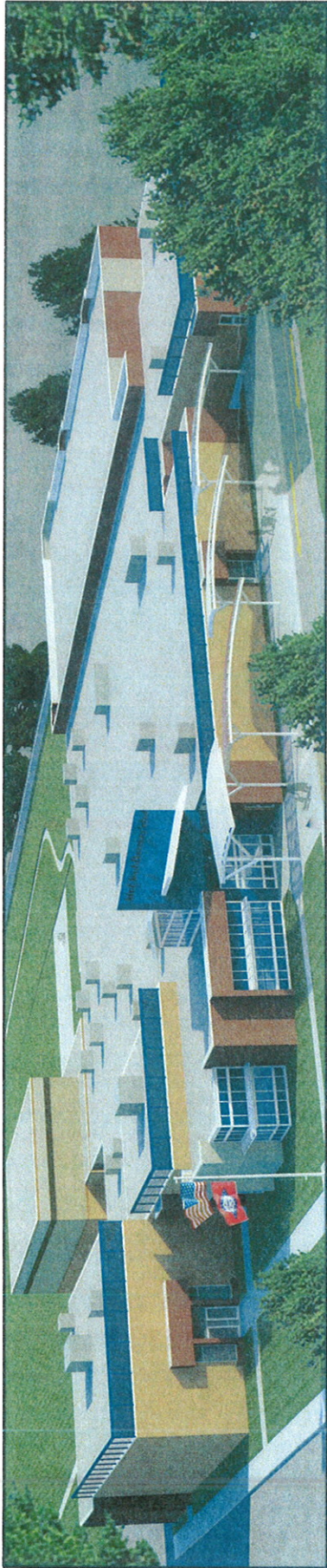
ARCHITECTURAL FLOOR PLAN

WOODS ELEMENTARY SCHOOL ADDITIONS & RENOVATIONS
 FORT SMITH PUBLIC SCHOOLS
 3201 MASSARD ROAD, FORT SMITH, ARKANSAS 72303

ARCHITECTURE PLUS, INC.
 907 South 21st Street Fort Smith, Arkansas 479/783-8395



6H



NORTHWEST AERIAL VIEW



NORTHWEST VIEW AT ENTRY & ADMINISTRATION ADDITION



SOUTHEAST VIEW AT CLASSROOM ADDITION



WOODS ELEMENTARY SCHOOL ADDITIONS & RENOVATIONS
FORT SMITH PUBLIC SCHOOLS
3201 MASSARD ROAD, FORT SMITH, ARKANSAS 72903

ARCHITECTURE PLUS, INC.
907 South 21st Street Fort Smith, Arkansas 479/783-8395



61

Conditional Use

Memo

To: City Planning Commission

From: Planning Staff

Date: 12-19-2012

Re: Conditional Use #3-1-13 - A request by Gerald Thomas, owner, for Planning Commission consideration of a Conditional Use request to expand a contractor's shop and storage yard located at 12110 Old Hwy 71 South (Companion to item #11)

LOT LOCATION AND SIZE

The subject property is located on the southeast corner of Old Hwy 71 South and Spring Mountain Road. The tract contains an area of 0.944 acres with approximately 218 feet of street frontage along Spring Mountain Road, and 185 feet of street frontage along Old Hwy 71 South.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5).
Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

7A

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet
Maximum Height - 45 feet (1+1)
Maximum Lot Coverage - 75%
Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres
Existing District (By Extension) – 14,000 square feet
Minimum Lot Width – 100 feet
Front Yard Setback - 25 feet
Side Yard on Street Side of Corner Lot - 15 feet
Side Yard Setback – 20 feet
Rear Yard Setback - 20 feet
Side/Rear (adjoining SF Residential District/Development) – 30 feet
Minimum building separation – to be determined by current City building and fire code.
Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is not zoned and is developed as Oil and Gas field equipment.

The areas to the east are zoned Commercial Moderate (C-3) and not zoned are developed as a real estate agency.

The area to the south is zoned Commercial Heavy (C-5) and is undeveloped.

The area to the west is zoned Commercial Heavy (C-5) and is undeveloped. This area is also owned by the applicant.

PURPOSE OF CONDITIONAL USE

Certain uses are defined as conditional uses because of the potential harmful effects the use can cause to nearby properties and because the requirements to eliminate harmful effects vary from site to site. In considering conditional uses, the Planning Commission will review the overall compatibility of the planned use with the surrounding property as well as specific items such as screening, parking, and landscaping to make sure that no harmful effects occur to nearby properties.

CONDITIONS FOR A CONDITIONAL USE

All requirements for a Conditional Use must be met before any part of the use may be utilized. If any specific condition is not met, the Conditional Use authorization may be revoked by the City of Fort Smith pursuant to Section 27-314.

Requirements for a Conditional Use must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the Planning Commission. An extension of time beyond one (1) year or that imposed by the Planning Commission may be granted by the Director one (1) time for up to ninety (90) days.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan does not have a classification for this site. Approval of the conditional use will not conflict with the goals and objectives of the Master Land Use Plan.

PROPOSED CONDITIONAL USE

The conditional use approval will allow for an expansion of an existing electrical contractor shop and storage yard.

STAFF COMMENTS AND RECOMMENDATIONS

Zoning was placed on this property in 2006 shortly after the property was annexed. At that time, staff encouraged the applicant to place a Commercial Heavy or C-5 use on the property as *Contractor Shop and Storage Yard* was permitted by right. When the UDO was adopted, *Contractor Shop and Storage Yard* was changed to a Conditional Use in a Commercial Heavy zone thus requiring Mr. Thomas to request this application for the proposed 1,600 square feet addition.

A neighborhood meeting was held Wednesday, January 2, 2013, 9:30 a.m. at the applicant's site. One adjacent property owner attended the meeting and another adjacent property owner contacted the applicant by phone. No objections or concerns were expressed regarding the conditional use application. A copy of the attendance record and meeting summary are enclosed.

Staff recommends approval of the application based on the surrounding land uses and contingent upon the following:

1. All construction must be built in accordance with the submitted site plan.
2. Approval of the companion variance application.

Conditional Use # 3-1-13

APPLICATION FOR CONDITIONAL USE

Name of Property Owner: Gerald E. Thomas Trust

Name of Authorized Agent (if applicable) _____

Legal Description of property included in the conditional use request:

The North 187.6 Feet of Tract 3, Rye Hill Estates
Being a Part of The Southeast Quarter (1/4) 23-07-32

Street Address of Property:

12110 Old Hwy. 71 So.

Existing Zoning Classification:

C-5

~~Proposed Zoning Classification (if applicable):~~

Describe Proposed Conditional Use Request, including the development of any construction proposed of the property:

Expand Small Business, Existing Electrical Contracting.

~~What amenities are proposed such as landscaping and screening?~~

Gerald E. Thomas Trust
Owner or Agent Name (please print)

P.O. Box 265
Greenwood, Ar. 72936
Owner or Agent Mailing Address

Gerald E. Thomas
Owner or Agent (signature)

12-13-12
Date

479-996-4604
Owner or Agent Phone Number

Cell 414-9301

gthomasgw@CenturyTel.net
Email

70

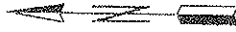
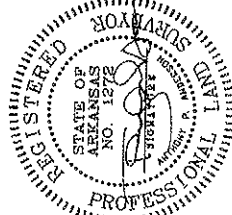
Conditional Use #3-1-13: Electrical contractor shop and storage yard

12110 Old Highway 71



SURVEY DESCRIPTION:
TRACT 3, LESS & EXCEPT THE
SOUTH 230.0 FEET, RYE HILL ESTATES,
AN ADDITION TO SEBASTIAN COUNTY, ARKANSAS.

FLOOD INFORMATION:
PROPERTY IS NOT IN 100 YEAR FLOOD ZONE
COMMUNITY PANEL NO. 05131C0140E
DATED: MAY 30, 2010



FOR USE BY:
Russell Thomas
12110 Old Highway 71
Fort Smith, AR

ANDERSON SURVEYING INC.
Arkansas -- Oklahoma
P.O. Box 129
Van Buren, AR 72957
(479)-474-4247
Fax (479)-410-5333
e-mail: andersonsurveying@cox.net

FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
SURVEY OF
TRACT 3, LESS & EXCEPT THE SOUTH 230.0',
RYE HILL ESTATES

DATE: 12-12-2012
JOB NO.: 12-10-02
SCALE: 1"=40'

BASIS OF BEARINGS:
Assumed S86°44'27"E along the
North Line of Tract 3, Rye Hill Estates

SURVEYORS CERTIFICATION

I HEREBY CERTIFY THAT THE HEREON PLATTED AND DESCRIBED
SURVEY WAS CONDUCTED UNDER MY SUPERVISION ON THE
12th DAY OF DECEMBER, 2012.
TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL
PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO
MORTGAGE OR GUARANTEE THE TITLE THEREOF, WITHIN
ONE YEAR FROM DATE HEREOF, AND AS TO THEM I WARRANT
THE ACCURACY OF SAID SURVEY.

ANTHONY D. ANDERSON AR PLS. 1272

LEGEND

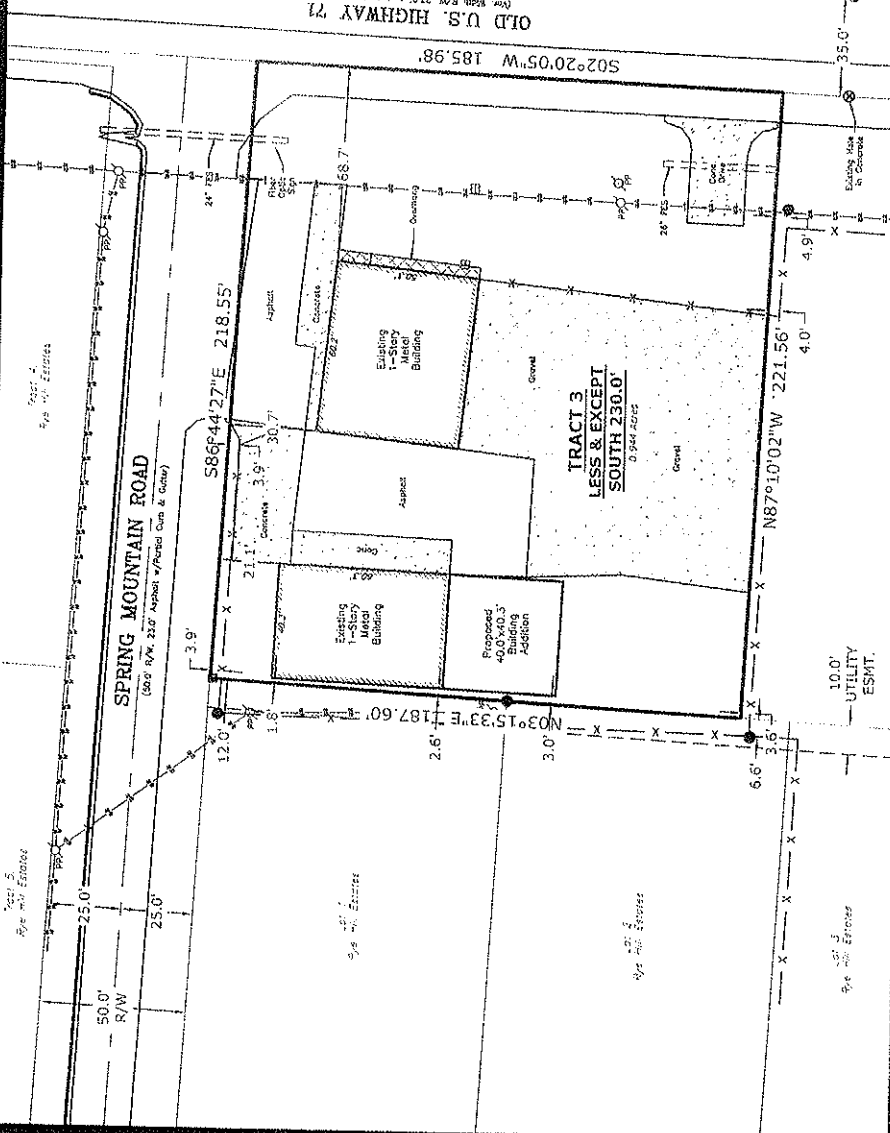
- SET RAILROAD SPINE
- SET 1/2" REBAR
- EXISTING CONC NAIL
- EXISTING R/S SPINE
- SET NAIL
- WATER METER
- GAS METER
- EXISTING FENCE
- OVERHEAD ELECTRICAL
- SIGN POLE

REVISIONS

DATE



Scale in Feet



7F

Memo

To: Board of Zoning Adjustment

From: Planning Staff

Date: 12-19-2012

Re: Variance #1-3-13 - A request by Harold Boerner, owner, for Board consideration of a zoning variance request from 25' to 7' 6" front yard setback located at 2005 South "R" Street

LOT LOCATION AND SIZE

The subject property is located on the north side of South R Street between Jenny Lind Road and South 21st Street. The tract contains an area of 7,500 s.f. with approximately 50 feet of street frontage along South "R" Street.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary

schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

All of the surrounding properties are zoned RM-3 and are developed as a single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South “R” Street as a local road.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values. Approval of the variance change will not conflict with the goals and objectives of the Master Land Use Plan.

REQUESTED VARIANCE

The variance from 25 feet to 7’ 6” front yard setback will allow for a carport to be constructed.

APPLICANT HARDSHIP

The applicant states that the occupant has recently received a hip replacement, and the entry and exit will be best suited by the front door of the residence under a carport safe from the weather elements.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Friday, December 21, 2012 at 2005 South “R” Street. No surrounding property owners were in attendance. Additionally, enclosed within your packet is a map of the surrounding properties with existing carports that may encroach the front-yard setback.

8B

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Var. #1-1-13

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Lot 13, Block 11 Park Hill

Address of property 5005 SOUTH R, Existing or Proposed

Zoning Classification RM-3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM

TO

25' - 7'6" Front Yard Setback or Minimum Distance from Right-of-Way
____ - _____ Exterior Side Yard Setback
____ - _____ Interior Side Yard Setback
____ - _____ Rear Yard Setback
____ - _____ Maximum Height of Structure
____ - _____ Minimum Distance Between Structures on the Same Lot
____ - _____ Minimum Lot Area (Square Feet)
____ - _____ Minimum Lot Frontage
____ - _____ Maximum Size of a Sign
____ - _____ Other: _____

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on 8D

said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

HAROLD POERNER
Owner or Agent Name (please print)

Harold Poerner
Owner

or

479-7835200
Owner or Agent Phone Number

Agent

4012 SOUTH 8 STREET
Owner or Agent Mailing Address

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

Yes

No

- | | | |
|---------------|---------------|--|
| <u> </u> | <u>✓</u> | Is this variance needed because of previous actions taken by yourself? |
| <u>✓</u> | <u> </u> | Is this variance needed because of previous actions taken by a prior owner? |
| <u>✓</u> | <u> </u> | A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance? |
| <u> </u> | <u>✓</u> | Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page. |
| <u> </u> | <u>✓</u> | Is the lot of an odd or unusual shape? |
| <u> </u> | <u>✓</u> | Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)? |
| <u> </u> | <u>✓</u> | Does the lot contain required easements other than those that might be located on its perimeter? |
| <u> </u> | <u>✓</u> | Is any part of the lot in a flood plain or flood way? |
| <u>✓</u> | <u> </u> | Is the lot smaller than minimum lot area or minimum frontage for its zoning classification? |
| <u>✓</u> | <u> </u> | Is the lot developed with structures in violation of current zoning requirements? |
| <u> </u> | <u>✓</u> | Does the lot front any street classified as an arterial or collector on the Master Street Plan? |

Explanation of question #4 (if applicable)

N/A

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

THE OCCUPANT OF HOUSE HAS HAD A HIF REPLACEMENT EXIT
TO HIS VEHICLE IS BEST SUITED THRU FRONT DOOR
OF RESIDENCE. THE DECK IN THE BACK IS STEEP
AND COULD CAUSE A HAZARD.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N/A

Variance #1-1-13: From 25' to 7'-6" front yard setback

2005 South "R" Street



Existing Carports in the vicinity of Proposed Carport Variance

2005 South "R" Street





This photograph represents the style of carport that the applicant proposes to build

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Memo

To: City Planning Commission

From: Planning Staff

Date: December 19, 2012

Re: Variance #2-1-13 - A request by Ken Jones II, agent for Mercy Fort Smith, for Board of Zoning Adjustment consideration of a zoning variance request from indirect lighting to internally illuminated lighting for a sign at 5401 Ellsworth Road

LOT LOCATION AND SIZE

The subject property is on the east side of South Waldron Road and the north side of Ellsworth Road. The tract contains an area of 4.3 acres with approximately 305 feet of street frontage along South Waldron Road and approximately 646 feet of street frontage along Ellsworth Road.

EXISTING ZONING

The existing zoning on this tract is Transitional (T). Characteristics of this zone are as follows:

Purpose:

To provide small scale areas for limited office, professional service, and medical services designed in scale with surrounding residential uses. The transitional zoning district applies to the Residential Attached, Institutional, Neighborhood Commercial and General Commercial categories of the Master Land Use Plan.

Permitted Uses:

Single family detached, duplexes, family group home, retirement housing, bridal shop, banking establishments and offices are examples of permitted uses.

Conditional Uses:

Assisted living, bed & breakfast inn, utility substation, country club, park or playground, college, library, primary and secondary school, business professional schools, fire and rescue station, emergency response station, police substation, diagnostic laboratory testing facility, hospital, daycare homes, substance abuse treatment facility, senior citizen center and churches are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Lot Size – 40,000 square feet	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 50 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet (residential), non residential to be determined by current City building and fire code.	

SURROUNDING ZONING AND LAND USE

The areas to the north are zoned Commercial Light (C-2) and Commercial Heavy (C-5) and are developed as a medical facility.

The areas to the east are zoned Transitional (T) and are developed as single-family residential.

The areas to the south are zoned Commercial Heavy (C-5) and are developed as a quick lube business and a vacant restaurant.

The areas to the west are zoned Commercial Regional (C-4) and are developed as Central Mall.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies South Waldron Road as Major Arterial and Ellsworth Road as Local Road.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Regional Center and Commercial Neighborhood. This classification is intended to provide for major destination clustering of major employers, retailers, entertainment and regional level services of all types in a walkable setting and To provide convenience goods and services in a residentially compatible design, for surrounding neighborhoods, and to provide appropriate uses for sites on arterials and collectors unsuitable for residential development due to lot configuration, safety and noise. Approval of the variance will not conflict with the goals and objectives of the Master Land Use Plan.

REQUESTED VARIANCE

An approved variance would allow a monument sign with internal illumination.

APPLICANT HARDSHIP

No hardship is cited by the applicant other than the owners' preference of an internally illuminated monument sign.

9B

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held January 4, 2013 at Mercy Plaza, 5401 Ellsworth Road. No property owners attended the meeting. Staff has received no objections to the proposed sign variance.

The proposed monument sign will be located along the site's Waldron Road frontage and in staff's opinion will not be incompatible with surrounding commercial land uses.

Should the BZA approve the variance, staff recommends approval of the request shall contingent upon the submitted sign plan.

If the BZA approves this variance, staff requests that it substantiate its reasons for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

9C

Var. #2-1-13

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 5401 Ellsworth Rd, Existing or Proposed

Zoning Classification T1 - Transitional, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM

TO

- Front Yard Setback or Minimum Distance from Right-of-Way
- Exterior Side Yard Setback
- Interior Side Yard Setback
- Rear Yard Setback
- Maximum Height of Structure
- Minimum Distance Between Structures on the Same Lot
- Minimum Lot Area (Square Feet)
- Minimum Lot Frontage
- Maximum Size of a Sign

- Other: From Section 27-704-2-2(A) of the UDD
From indirect lighting for signs to internally illuminated.

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

KEN JONES II
Owner or Agent Name (please print)

479.756.1810
Owner or Agent Phone Number

PO Box 241, Springdale, AR
Owner or Agent Mailing Address 72765

Owner
or

Agent

Variance # _____

9E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by yourself?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is this variance needed because of previous actions taken by a prior owner?
<input checked="" type="checkbox"/>	<input type="checkbox"/>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot of an odd or unusual shape?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot contain required easements other than those that might be located on its perimeter?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is any part of the lot in a flood plain or flood way?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Is the lot developed with structures in violation of current zoning requirements?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

9F

Explanation of question #4 (if applicable)

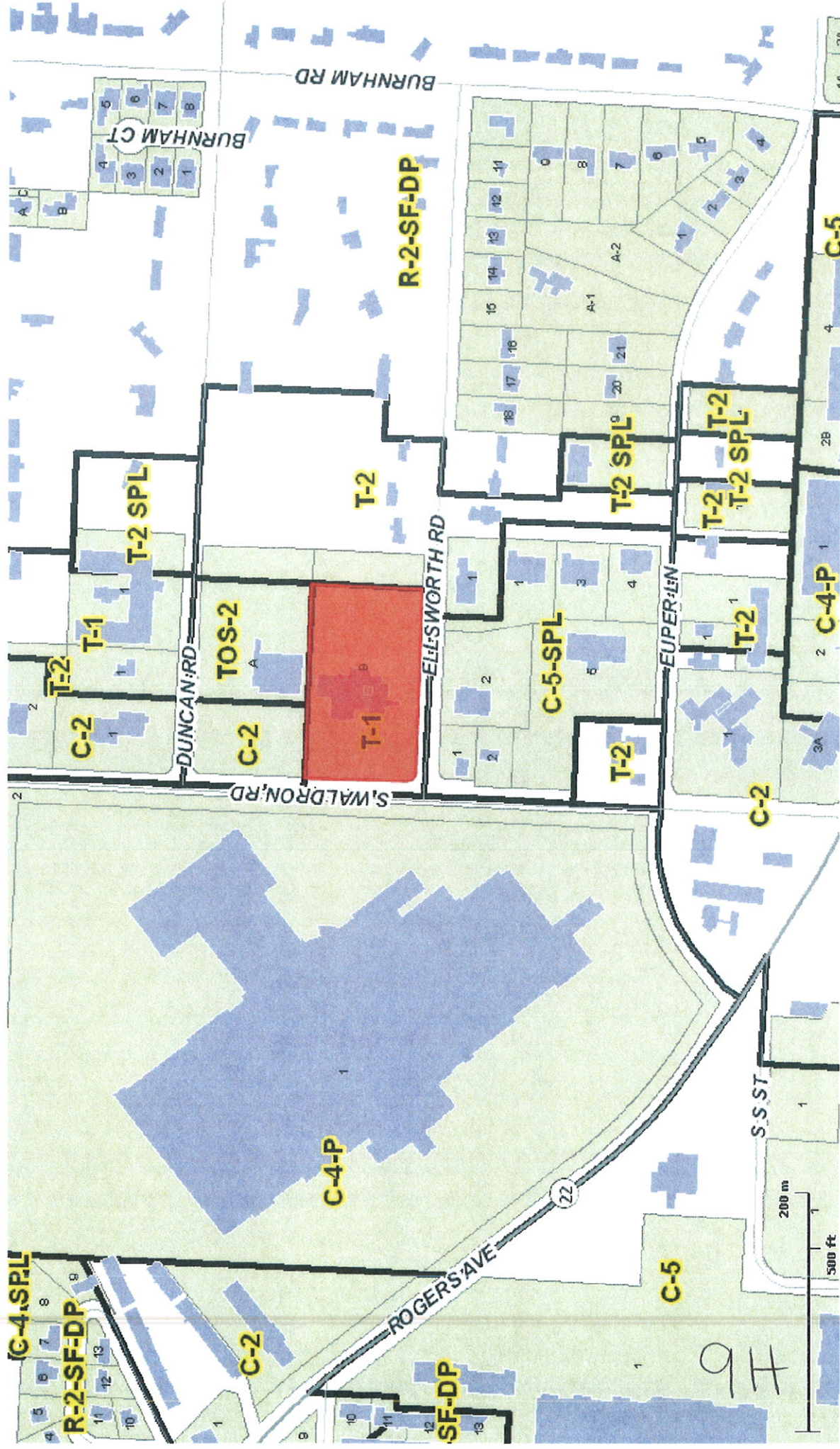
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

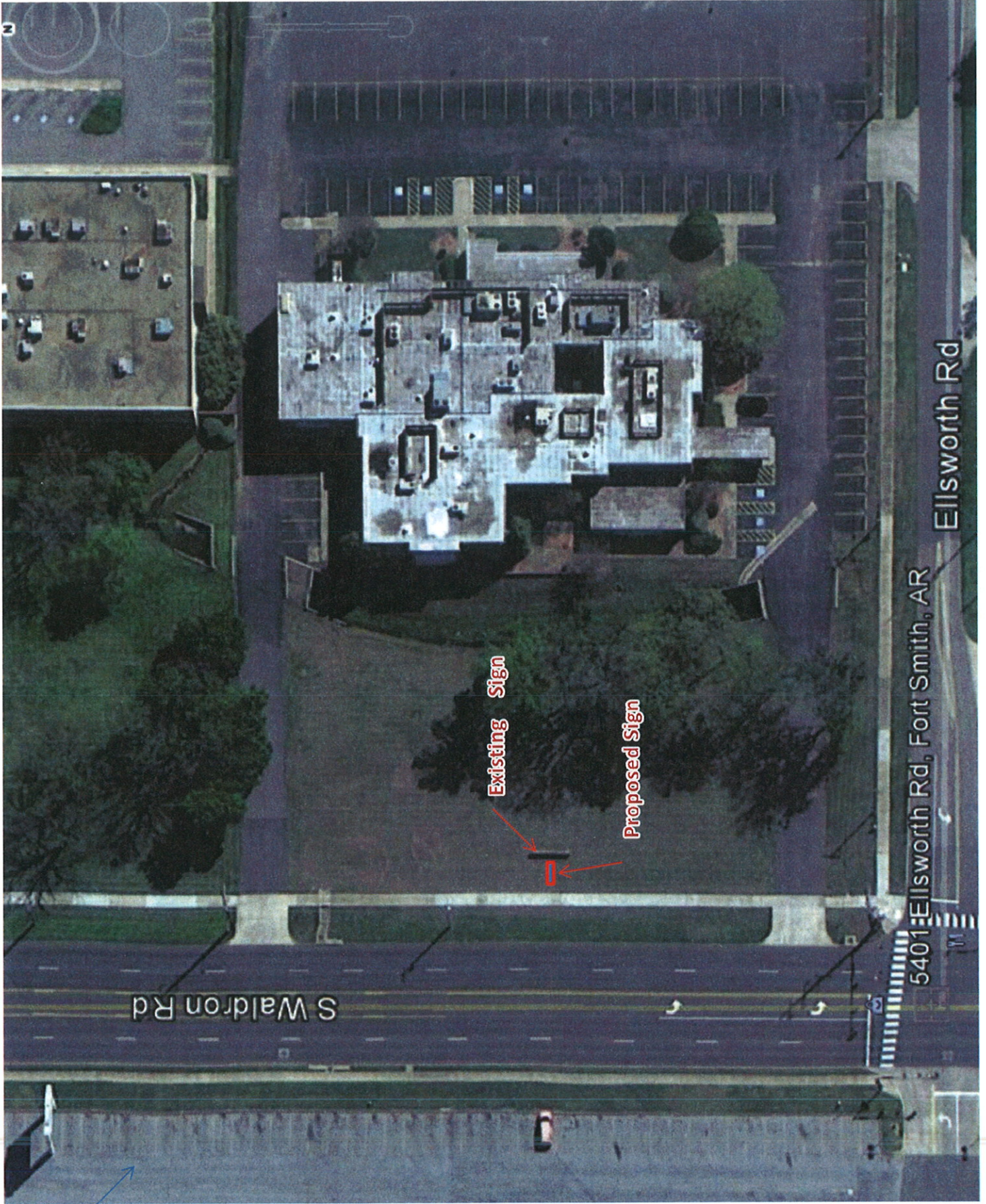
Client would like to have an internally
illuminated monument sign

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

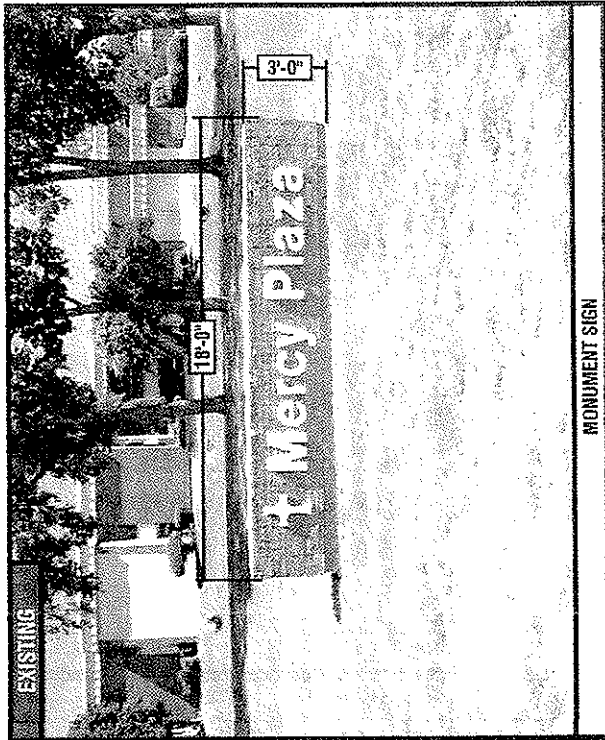
Variance #2-1-13: From Section 27-704-2-2(A) of the UDO, from indirect lighting to internally illuminated for signs

5401 Ellsworth Road





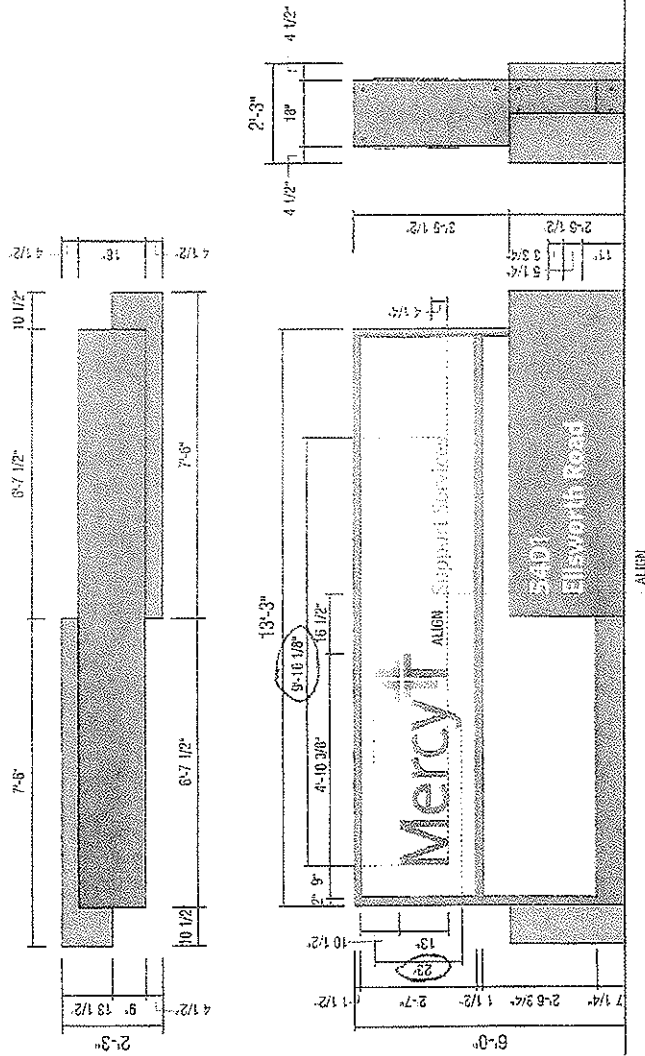
IT 6



MONUMENT SIGN



SIGN 5



B1 6'-0" NON-ILLUMINATED MONUMENT

Qty. 1

SIDE VIEW

79.5 SQ. FT.

18.86 sq ft

Install new sign perpendicular to Waldron Road to maximize visibility.

NOTE: PERMITTING DOES NOT ALLOW INTERNAL ILLUMINATION

Mercy		RECOMMENDATIONS		PROJECT #: 3702	
ADDRESS: 5401 Ellsworth Rd. CITY/STATE: Fort Smith, AR ZIP: 72903		SUBMITTALS: <input type="checkbox"/> APPROVED <input type="checkbox"/> APPROVED AS NOTED <input type="checkbox"/> REVISED AND RESUBMIT			
PROJECT 3702\3712_401_Fort Smith_Ark_017		CLIENT COMMENTS: _____ / _____ / _____			
LOCATION #: 401		FILE PATH: Active\ACCOUNTS\Mercy Health Systems\Locations\			
DATE: 09/27/12 Rev 1: 10/08/12 Rev 2: 10/09/12 Rev 3: 10/11/12 Rev 4: 10/22/12 Rev 5: 00/00/00		SCALE: As Noted DRAWING: TUS DATE: 10 THE ICON COMPANIES icon THE ICON COMPANIES 1800-333-3333 1800-333-3333			

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Memo

To: Board of Zoning Adjustment

From: Planning Staff

Date: December 20, 2012

Re: Variance #3-1-13 - A request from Morrison-Shipley Engineers, agent, for Zaki Adib Samman, Kefah F. Daas, and Larry & Sandra Roper, for Board consideration of the following variances: 1) from thirty (30) feet to ten (10) feet rear yard setback; 2) from 200 feet to 68.66 feet minimum separation between adjacent driveways ; 3) from 200 feet to 132 feet minimum separation between adjacent driveways; and 4) from 250 feet to 66.78 feet minimum separation between driveway and street intersection located at 9102 Rogers Avenue in a Commercial Heavy (C-5) zone (Companion to item #4)

LOT LOCATION AND SIZE

The subject property is on the south side of Rogers Avenue between South 91st Street and Meandering Way. The tract contains an area of 1.73 acres with approximately 350 feet of street frontage along Rogers Avenue.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5). Characteristics of this zone are as follows:

Purpose: To provide for adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial classification of the Master Land Use Plan.

Permitted Uses: Permitted uses include a variety of retail establishments, finance, grocery, beverage and restaurant establishments, as well as multi-family residential.

Conditional Uses: Schools and religious institutions, restaurants with outdoor dining, and beer gardens are examples of uses permitted as conditional uses.

Bulk & Area Regulations:

Minimum Lot Size – 14,000 s.f.

Minimum Lot Width – 100 feet

Maximum Lot Coverage – 75%

Maximum Height – 45 feet (1 + 1)

Front Yard Setback – 25 feet

Side Yard Setback – 20 feet

Side Yard on Street Side of Corner Lot – 15 feet

10A

Rear Yard Setback – 20 feet

Rear/Side Yard Adjoining Single Family Residential District/Development – 30 feet

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Commercial Heavy (C-5) and is undeveloped.

The area to the east is zoned Commercial Heavy (C-5) and is developed as mobile home sales.

The area to the south is zoned Commercial Heavy (C-5) and is developed as a single family residence.

The area to the west is zoned Commercial Heavy (C-5) and is undeveloped.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Rogers Avenue as a Major Arterial.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan currently classifies the site as General Commercial. Approval of the variance and development plan will conflict with the goals and objectives of the Master Land Use Plan.

REQUESTED VARIANCE

The requested variances will allow the development of a convenience store with gasoline sales to be developed with:

- 1) A 10' rear yard setback instead of a 30' rear-yard setback as required when a commercial site adjoins property zoned or developed as single family residential;
- 2) A separation of 68.66' between the easterly proposed driveway and an existing adjacent driveway instead of 200' as required for Major Arterial streets;
- 3) A separation of 132' between proposed on-site driveways instead of 200' as required for Major Arterial streets; and
- 4) A separation of 66.78' between the westerly proposed driveway and the intersection of South 91st Street instead of 250' as required for Major Arterial streets.

APPLICANT HARDSHIP

The applicant states that the width of the site will not allow proper maneuvering space without a variance to the rear-yard setback. Additionally, the applicant states that it is important that the convenience store have two driveways. Casey's General Stores negotiated with the adjacent property owner to the east to share an existing driveway but no agreement was reached. Also, the applicant states that due to the proximity of the South 91st intersection and the size of the site, it is not feasible to maintain a 250' separation between the proposed driveway and the intersection.

VARIANCE CRITERIA

Arkansas law and the Fort Smith Unified Development Ordinance (Sec. 27-337-2) states that the Board of Zoning Adjustment shall hear requests for variances from the literal provisions of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action shall be in keeping with the spirit and intent of the provisions of the zoning chapter.

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, December 27, 2012 at 5:30 p.m. at the Fort Smith Public Library at 3201 Rogers Avenue. One adjacent property owner attended the meeting. No objections or concerns were expressed during the meeting. (Please see companion Development Plan application for attendance record and meeting summary.) A letter was also sent by Thomas Wooten, president of Sue White Homes, stating that he had no issues with the variances. Staff received a phone call in August when the project was first proposed from a nearby property owner who had questions about any future expansion of 91st street and concerns about traffic generated by the proposed convenience store.

Regarding the rear-yard setback, a map provided by the applicant shows the distance between the adjacent houses to the proposed convenience store. One residence is approximately 165' from the site and the other residence is approximately 220' from the site.

The engineering department administers the city's access management standards and regulations and has reviewed the applicant's driveway separation variance requests. The engineering department has no objections to the variance requests. Enclosed is a copy of the engineering department's comments.

Should the BZA approve the variance, staff recommends approval of the request contingent upon the following comment:

1. Variance approval shall be based on the submitted development plan.

If the BZA approves this variance, staff requests that it substantiate its reasons for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Var #3-1-13

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)
Refer to Exhibit "A" Attached

Address of property 9102 Rogers Avenue, Fort Smith, Existing or Proposed

Zoning Classification C-5 (Heavy Commercial), has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

<u>FROM</u>		<u>TO</u>
_____	-	_____ Front Yard Setback or Minimum Distance from Right-of-Way
_____	-	_____ Exterior Side Yard Setback
_____	-	_____ Interior Side Yard Setback
<u>30'</u>	-	<u>10'</u> Rear Yard Setback
_____	-	_____ Maximum Height of Structure
_____	-	_____ Minimum Distance Between Structures on the Same Lot
_____	-	_____ Minimum Lot Area (Square Feet)
_____	-	_____ Minimum Lot Frontage
_____	-	_____ Maximum Size of a Sign
<u>200'</u>	-	<u>132'</u> Other: <u>On-Site Entrance Driveway Separation</u>
<u>200'</u>	-	<u>68.66'</u> Other: <u>On-Site to Off-Site Entrance Driveway Separation</u>
<u>250'</u>	-	<u>66.78'</u> Other: <u>On-Site Entrance To Off-Site Intersection Separation</u>

10D

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Ziki Adib Samman

Ziki Samman

Kafah F. Daas
Owner or Agent Name (please print)

Kafah Daas
Owner

or

Owner or Agent Phone Number

Agent

Owner or Agent Mailing Address

Signed:

Owner or Agent Name (please print)

Owner

or

Owner or Agent Phone Number

Agent

Owner or Agent Mailing Address

Variance # _____

10E

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Larry Lopez
Sandra Lopez
Owner or Agent Name (please print)

[Signature]
Sandra Lopez by DPOA
Owner

or

Owner or Agent Phone Number

Agent

Owner or Agent Mailing Address

Signed:

Owner or Agent Name (please print)

Owner

or

Owner or Agent Phone Number

Agent

Owner or Agent Mailing Address

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> X </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u> X </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> </u>	<u> X </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> X </u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u> </u>	<u> X </u>	Is the lot of an odd or unusual shape?
<u> </u>	<u> X </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> </u>	<u> X </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u> X </u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u> X </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> </u>	<u> X </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> X </u>	<u> </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

Explanation of question #4 (if applicable)

The width of the site does not allow proper maneuvering space for a convenience store/gas station (typical Casey's footprint) without building setback reduction.

It is very important for the traffic flow within a Casey's General Store site to have two entrance drives. However, due to proximity of an existing driveway next to the proposed site (15' from the boundary line, two entrances cannot be provided to this site while maintaining the minimum 200' separation between on-site and off-site entrances. Casey's General Stores originally tried reaching agreements with the adjacent property owner to share the access drive (which would allow two entrances to the site while maintaining the required 200' separation), but no agreement was reached. Therefore, a variance from this requirement is being requested.

The existing intersection of Rogers Avenue and 91st Street is directly across from the proposed site, north of the western boundary line. Due to proximity of the existing intersection and the size of the site, it is not feasible to maintain 250' between the proposed entrance drive and said intersection and have two entrances.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

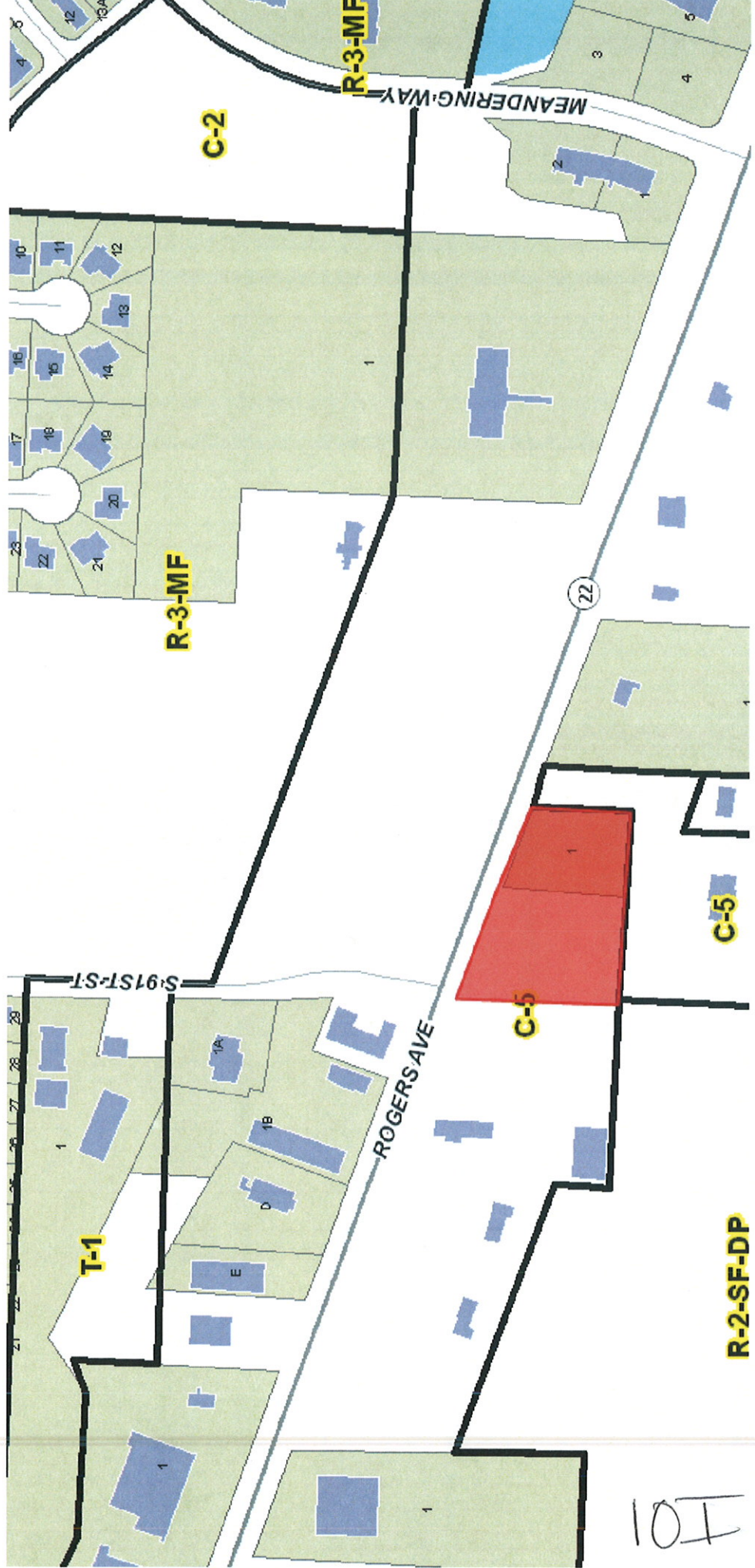
Without the approval of these variances, it is doubtful that there is sufficient space for a Casey's General Store to be feasibly built on this site.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Depth of the site varies from 272' to 171'. Without reducing the existing rear building setback line, it is doubtful that a Casey's General Store can be built on this site. In addition, due to the proximity of 91st Street intersection on the north side of Rogers Avenue and the existing driveway near the east property line, it is not feasible to have two on-site entrance drives without reducing the 200' minimum spacing.

Variance #3-1-13: 1 - from 30' to 10' rear yard setback, 2 - from 200' to 68.66' and 132' minimum separation between adjacent driveways, 3 - from 250' to 66.78' minimum separation between driveways and street intersection

9102 Rogers Avenue





Distances between proposed Casey's General Store and adjacent uses

INTER-OFFICE MEMO
CITY OF FORT SMITH
ENGINEERING DEPARTMENT

TO: Tom Monaco, Planner
FROM: Ron Teeter, Project Engineer
DATE: December 27, 2012
SUBJECT: Planning Items – January, 2013

Comments for planning items are as follows:

Site/Development Plan / Variance 9102 Rogers Ave Casey's General Store
Coffman Plaza, Lot 1A

1. Reference comments for the revised plat in memo dated 12/27/12.
2. A traffic statement has been approved for this development.
3. Compliance with the 2011 Storm Drainage Standards is required.
4. There are no objections to the building setback or driveway separation variances.

10M

FORT SMITH PROPERTIES, INC.
d/b/a SUE WHITE HOMES
9210 Rogers Avenue
Fort Smith, AR 72903
479-452-6045
Fax 479-452-9290

January 2, 2013

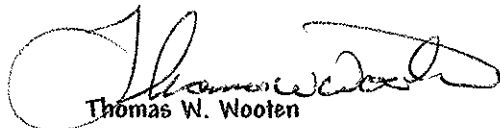
Mr. Wally Bailey
Director of Development Services
City of Fort Smith
P. O. Box 1908
Fort Smith, AR 72902

Dear Mr. Bailey:

I am in receipt of your letter dated December 26, 2012, concerning the development plan for a convenience store at 9102 Rogers Avenue. I will be unable to attend the public hearing on January 8, 2013, but have no problem with the variance set forth in your letter.

As a business owner in Fort Smith, I welcome Casey's General Store to the area and am happy to see continuing growth in our community.

Regards,



Thomas W. Wooten
President

TWW:ndw

10N

Memo

To: Board of Zoning Adjustment

From: Planning Staff

Date: 12-19-2012

Re: Variance #4-1-13 A request by Gerald Thomas, owner, for Board consideration of a zoning variance request from 20' to 1.8' rear yard setback at 12110 Old Hwy 71 South (Companion to item #7)

LOT LOCATION AND SIZE

The subject property is located on the southeast corner of Old Hwy 71 South and Spring Mountain Road. The tract contains an area of 0.944 acres with approximately 218 feet of street frontage along Spring Mountain Road, and 185 feet of street frontage along Old Hwy 71 South.

EXISTING ZONING

The existing zoning on this tract is Commercial Heavy (C-5).
Characteristics of this zone are as follows:

Purpose:

To provide adequate locations for retail uses and services that generate moderate to heavy automobile traffic. The C-5 zoning district is designed to facilitate convenient access, minimize traffic congestion, and reduce visual clutter. The C-5 zoning district is appropriate in the General Commercial, Office, Research, and Light Industrial, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

Permitted Uses:

A wide variety of retail uses including clothing stores, specialty shops and restaurants. Commercial-5 zones also allow professional offices and multi-family apartments, community residential facility and neighborhood group homes are examples of permitted uses.

Conditional Uses:

Orphanage, dormitory, sorority, fraternity, auto vehicle impoundment or holding yard, auto body shop, medical laboratory, beer garden, restaurants with outdoor dining, pet cemetery, bus station, utility substations, museum, parks, educational facilities, police station, community food service, nursing home and churches are examples of uses permitted as conditional uses.

11A

Area and Bulk Regulations:

Minimum Lot Size – 14,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 14,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 20 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 30 feet

Minimum building separation – to be determined by current City building and fire code.

Required street access – Minor Arterial or higher

SURROUNDING ZONING AND LAND USE

The area to the north is not zoned and is developed as Oil and Gas field equipment.

The areas to the east are zoned Commercial Moderate (C-3) and not zoned are developed as a real estate agency.

The area to the south is zoned Commercial Heavy (C-5) and is undeveloped.

The area to the west is zoned Commercial Heavy (C-5) and is undeveloped. This area is also owned by the applicant.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Old Hwy 71 as a local road, and Spring Mountain Road as a local road.

LAND USE PLAN COMPLIANCE

The Master Land Use Plan does not have a classification for this site. Approval of the conditional use will not conflict with the goals and objectives of the Master Land Use Plan.

REQUESTED VARIANCE

The requested variance from 20' to 1.8' rear yard setback will accommodate the expansion of an already existing storage building that is currently encroaching the rear yard setback line at 1.8'. This will allow for the owner to expand the storage building for materials to be stored inside.

APPLICANT HARDSHIP

The applicant states that the existing building is already at the 1.8' setback line. The expansion will allow for the storage of materials and equipment to be stored inside.

11B

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Wednesday, January 2, 2013, 9:30 a.m. at the applicant's site. One adjacent property owner attended the meeting and another adjacent property owner contacted the applicant by phone. No objections or concerns were expressed regarding the variance. A copy of the attendance record and meeting summary are enclosed.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

Staff recommends approval of the application based on the surrounding zoning and property land uses.

11C

Var. #4-1-13

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

Address of property 12110 Old Hwy 71 So., Existing or Proposed

Zoning Classification C-5, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM

TO

- | | | | |
|------------|---|-------------|--|
| _____ | - | _____ | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| _____ | - | _____ | Interior Side Yard Setback |
| <u>20'</u> | - | <u>1.8'</u> | Rear Yard Setback |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |
| _____ | - | _____ | Other: _____ |

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this

110

publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this _____ day of _____, 20____.

Signed:

Gerald E. Thomas
Owner or Agent Name (please print)

Gerald E. Thomas
Owner or Agent (Please Sign)

479-996-4604
Owner or Agent Phone Number

12-13-12
Date

P.O. Box 265
Greenwood, Ar 72936
Owner or Agent Mailing Address

gthomasgw@centurytel.net
Email

Variance # _____

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u>X</u>	_____	Is this variance needed because of previous actions taken by yourself?
_____	<u>X</u>	Is this variance needed because of previous actions taken by a prior owner?
_____	<u>X</u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
_____	<u>X</u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
_____	<u>X</u>	Is the lot of an odd or unusual shape?
_____	<u>X</u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
_____	<u>X</u>	Does the lot contain required easements other than those that might be located on its perimeter?
_____	<u>X</u>	Is any part of the lot in a flood plain or flood way?
_____	<u>X</u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u>X</u>	_____	Is the lot developed with structures in violation of current zoning requirements?
_____	<u>X</u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

11F

Explanation of question #4 (if applicable)

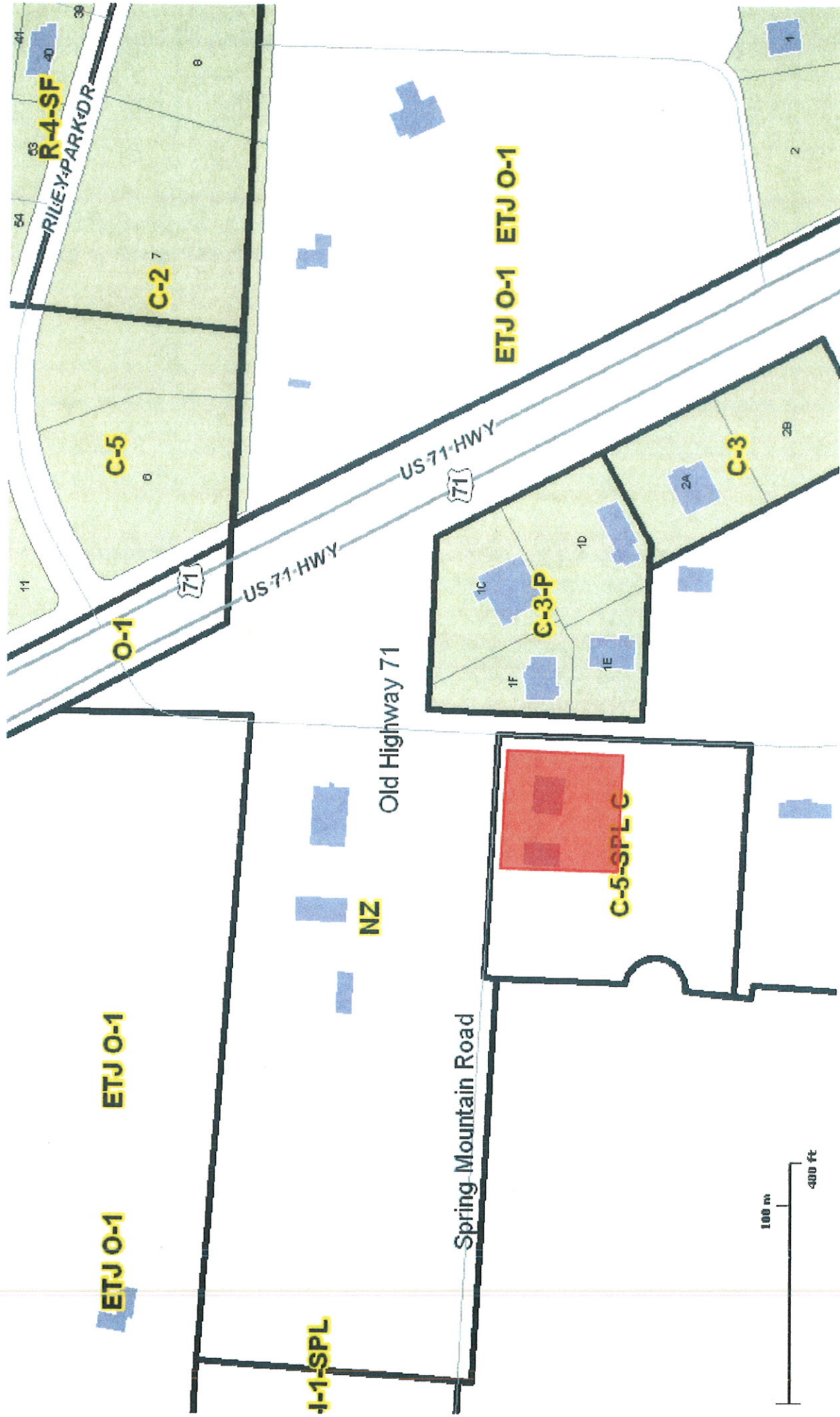
2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

Existing building already 1-8" from property line, wanting to add 40' x 40' addition on to building for storage of tools, material, and equipment for electrical contracting business.

3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

Variance #4-1-13: From 20' to 1.8' rear yard setback

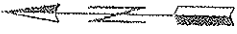
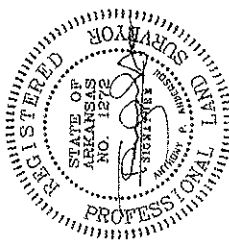
12110 Old Highway 71



111

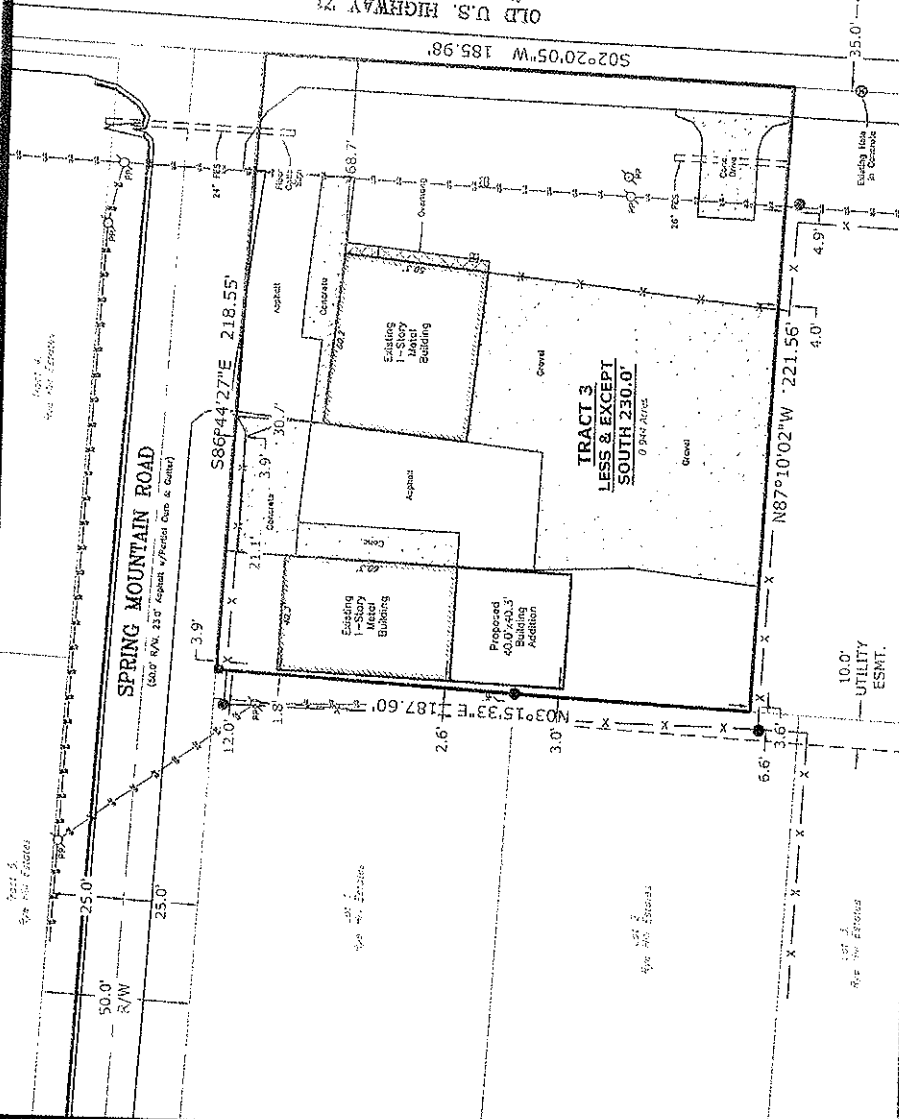
SURVEY DESCRIPTION:
TRACT 3, LESS & EXCEPT THE
SOUTH 230.0 FEET, RYE HILL ESTATES,
AN ADDITION TO SEBASTIAN COUNTY, ARKANSAS.

FLOOD INFORMATION:
PROPERTY IS NOT IN 100 YEAR FLOOD ZONE
COMMUNITY PANEL NO. 05131C11-0E
DATED: MAY 10, 2010



FOR USE BY:
Russell Thomas
12110 Old Highway 71
Fort Smith, AR

ANDERSON SURVEYING INC.
Arkansas -- Oklahoma
P.O. Box 129
Van Buren, AR 72957
(479)-474-4247
Fax (479)-410-5333
e-mail: andersonsurveying@cox.net



FORT SMITH, SEBASTIAN COUNTY, ARKANSAS
SURVEY OF
TRACT 3, LESS & EXCEPT THE SOUTH 230.0',
RYE HILL ESTATES

DATE: 12-12-2012
JOB NO.: 12-10-02
SCALE: 1"=40'

SURVEYORS CERTIFICATION
I HEREBY CERTIFY THAT THE HEREIN DATED AND RECORDED
SURVEY WAS COMPLETED UNDER MY SUPERVISION ON THE
12th DAY OF December 2012
TO THE BEST OF MY KNOWLEDGE AND ABILITY.
THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE
PERSONS NAMED ON THIS PLAT AND ALSO THOSE WHO
HEREINAFTER CLAIM AN INTEREST IN THE TITLE THEREOF, WITHIN
ONE YEAR FROM DATE HEREON AND AS TO THEM I WARRANT
THE ACCURACY OF SAID SURVEY.
Anthony B. Anderson
ANTHONY B. ANDERSON AR PLS. 1272

REVISIONS	DATE
40	0 40

Scale in Feet

LEGEND

- SET RAILROAD SPIKE
- SET 1/2" REBAR
- EXISTING IRON PIN
- EXISTING CONIC NAIL
- EXISTING IRK SPIKE
- SET NAIL
- WATER METER
- GAS METER
- POWER POLE
- EXISTING FENCE
- EXISTING ELECTRIC
- ELEC. TBL. / PEDSTAL
- SIGN POLE

1-2-2013

PE: Neighborhood Meeting, 12110 Old Hwy 71 So.

Those in attendance as per list, one
neighbor, Mr. Ron Morgan showed up and
after explanation of project there was no
disagreement with setback variance, also
Mr. Don Crook called with KMW Properties
and said they had no problem with it.

Gerald Thomas

ATTENDANCE LIST FOR NEIGHBORHOOD MEETING

List the names, addresses & telephone numbers of all residents/property owners who attended the meeting.

Meeting Location Hershey-Proston Elect. Co., 12110 Old Hwy 71 S. Ft. Smith, Ar.

Meeting Time & Date 9:30 A.M. Jan 2nd, 2013

Meeting Purpose Asking for Setback Variance 1.8'

	<u>NAME</u>	<u>ADDRESS</u>	<u>PHONE #</u>
1.	Gerald Thomas	P.O. Box 265 Greenwood, Ar	479-996-4604
2.	Ron Mangum	12214 Old Hwy 71 Ft. Smith	646-7920
3.	Tom Monaco	CITY	784-2218
4.	Tyler Miller	City of Ft Smith	784-2241
5.			
6.			
7.			
8.			
9.			
10.			
11.			

Memo

To: City Planning Commission

From: Planning Staff

Date:

Re: Variance #5-1-13 - A request by Michael Johnson, agent, for Board of Zoning Adjustment consideration of a zoning variance request from 200' to 100' minimum separation between adjacent driveways at 3201 Massard Road (Companion to item #6)

LOT LOCATION AND SIZE

The subject property is on the east side of Massard Road, just north of the Wal-Mart Super Center. The tract contains an area of 12 acres with approximately 350 feet of street frontage along Massard Road.

EXISTING ZONING

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

Purpose:

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

Permitted Uses:

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

Conditional Uses:

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

Area and Bulk Regulations:

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

SURROUNDING ZONING AND LAND USE

The area to the north is zoned Residential Single Family-Duplex Medium/High Density (RSD-3) and is developed Chaffin Junior High School.

The area to the east is zoned Residential Single Family-Duplex High Density (RSD-4) and is developed as Fort Smith Boys & Girls Club.

The area to the south is zoned Commercial Heavy (C-5) and is developed as the Wal-Mart Super Center and various other retail businesses.

The area to the west is zoned Transitional (T) and is developed as a fire station and single family residences.

MASTER STREET PLAN CLASSIFICATION

The Master Street Plan classifies Massard Road as Major Arterial.

LAND USE PLAN COMPLIANCE

The *Unified Development Ordinance* currently classifies the site as Public Institutional. This classification is to provide for needed community services of both a public and quasi-public nature. Approval of the zone change will not conflict with the goals and objectives of the Master Land Use Plan.

REQUESTED VARIANCE

An approved variance will allow a 100' separation instead of 200' between a new driveway and the existing Wal-Mart driveway located on Massard Road.

APPLICANT HARDSHIP

The applicant states that the school property has a narrow street frontage of approximately 350' as compared to the property depth of more than 1,500'. Entry into the site is accessible only from Massard Road, which creates traffic congestion at 8 a.m. and 3 p.m.

12B

STAFF COMMENTS AND RECOMMENDATIONS

A neighborhood meeting was held Thursday, January 3, 2013 at 3201 Massard Road. No surrounding property owners attended the meeting.

Construction of the new driveway will create a longer drive lane that will reduce traffic congestion on Massard Road when students are dropped off and picked up.

The engineering department administers the city's access management standards and regulations and has reviewed the applicant's driveway separation variance request. The engineering department has no objections to the variance request. Enclosed is a copy of the engineering department's comments.

If the BZA approves this variance, staff requests that it substantiate its reason for approval in accordance with Section 27-337-2 of the Unified Development Ordinance, which permits the granting of a variance only when it is demonstrated that such action is in keeping with the spirit and intent of the provisions of the zoning chapter.

INTER-OFFICE MEMO
CITY OF FORT SMITH
ENGINEERING DEPARTMENT

TO: Tom Monaco, Planner
FROM: Ron Teeter, Project Engineer
DATE: December 27, 2012 Revised January 2, 2013
SUBJECT: Planning Items – January, 2013

Conditional Use 3201 Massard Road Woods Elementary School

1. Massard Road is classified a major arterial street and a Class 2 bikeway.
2. The proposed driveway approach will require a separation variance due to the proximity to the adjacent (Wal-Mart) driveway. There are no objections to the separation variance and the revised site plan submitted 12/27/12.

12C

APPLICATION FOR VARIANCE

Notice is hereby given that the undersigned, as owner(s) of the following property in the Fort Smith District of Sebastian County, Arkansas, to-wit: (Legal Description)

SW NL NE $\frac{1}{4}$ N/2 N/2 SW/NE SEC. 30-8-31

Address of property 3201 MASSARD RD, Existing or Proposed

Zoning Classification RM 3, has filed with the Planning Department a written application pursuant to Article 5-6 of Ordinance 2324 of the City of Fort Smith, Arkansas, to secure a variance from the literal provisions of the zoning ordinance as follows:

Office Use Only-List the Specific Variance Requested and Applicant Stated Hardship

FROM

TO

- | | | | |
|-------|---|-------|--|
| _____ | - | _____ | Front Yard Setback or Minimum Distance from Right-of-Way |
| _____ | - | _____ | Exterior Side Yard Setback |
| _____ | - | _____ | Interior Side Yard Setback |
| _____ | - | _____ | Rear Yard Setback |
| _____ | - | _____ | Maximum Height of Structure |
| _____ | - | _____ | Minimum Distance Between Structures on the Same Lot |
| _____ | - | _____ | Minimum Lot Area (Square Feet) |
| _____ | - | _____ | Minimum Lot Frontage |
| _____ | - | _____ | Maximum Size of a Sign |

200 FT - 100 FT Other: DRIVEWAY SEPARATION
U.D.C. 27-603-2 #TABLE 27-603-1B

The undersigned will present said application to the Board of Zoning Adjustment at the first regular City Planning Commission meeting following the expiration of seven (7) days from the date of this publication, at which meeting the Board of Zoning Adjustment will conduct a public hearing on

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said application. All interested persons are invited to attend and are entitled to be heard. This notice is published this 27 day of DECEMBER, 2013.

Michael G. Johnson, AIA
Architecture Plus, Inc.
907 South 21st Street
Fort Smith, AR 72901

Owner or Agent Name (*please print*)

479-783-8395
Owner or Agent Phone Number

Owner or Agent Mailing Address

Signed:

Owner

or

Michael G. Johnson
Agent

Variance # _____

12E

VARIANCE INFORMATION FORM

The following paragraph (Section 27-337-2) of the Fort Smith Unified Development Ordinance defines the criteria for granting a variance:

The Board of Zoning Adjustment shall hear requests for variances from the literal provision of the zoning chapter in instances where strict enforcement of the zoning chapter would cause undue hardship due to circumstances unique to the individual property under consideration, and shall grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning chapter. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under the chapter. The Board of Zoning Adjustment may impose conditions in the granting of a variance to insure compliance and to protect adjacent property.

1. To aid the Board of Zoning Adjustment in arriving at a decision on your application, please note the lot information requested and check the appropriate answer to each of the questions that follow.

<u>Yes</u>	<u>No</u>	
<u> </u>	<u> ✓ </u>	Is this variance needed because of previous actions taken by yourself?
<u> </u>	<u> ✓ </u>	Is this variance needed because of previous actions taken by a prior owner?
<u> ✓ </u>	<u> </u>	A zoning hardship is present only when a property has no reasonable use without a variance. Do you have use of your property without a variance?
<u> ✓ </u>	<u> </u>	Is the variance needed due to the unique circumstances of the property (such as lot area, lot width, setbacks, yard requirements, or building height)? If yes, please explain on the following page.
<u> </u>	<u> ✓ </u>	Is the lot of an odd or unusual shape?
<u> </u>	<u> ✓ </u>	Does the lot have "radical" topography (steep, unbuildable slopes - streams or bodies of water - unstable or eroded area)?
<u> ✓ </u>	<u> </u>	Does the lot contain required easements other than those that might be located on its perimeter?
<u> </u>	<u> ✓ </u>	Is any part of the lot in a flood plain or flood way?
<u> </u>	<u> ✓ </u>	Is the lot smaller than minimum lot area or minimum frontage for its zoning classification?
<u> </u>	<u> ✓ </u>	Is the lot developed with structures in violation of current zoning requirements?
<u> </u>	<u> ✓ </u>	Does the lot front any street classified as an arterial or collector on the Master Street Plan?

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Explanation of question #4 (if applicable)

THE SCHOOL PROPERTY HAS NARROW STREET FRONTAGE OF APPROXIMATELY 350', AS COMPARED TO MORE THAN 1,500' OF DEPTH. VEHICULAR ACCESS IS ONLY FROM THE STREET FRONTAGE OF MASSARD ROAD.

2. Describe how the strict enforcement of the zoning code causes an undue hardship for your project:

HIGH TRAFFIC OCCURS AT THE SCHOOL AT 8AM & 3PM, TRAFFIC IS BACKED-UP ONTO MASSARD RD. ANOTHER, LONGER DRIVE WILL HELP THIS TRAFFIC SITUATION. THIS NEW DRIVE WILL CREATE THIS LONGER DRIVE.

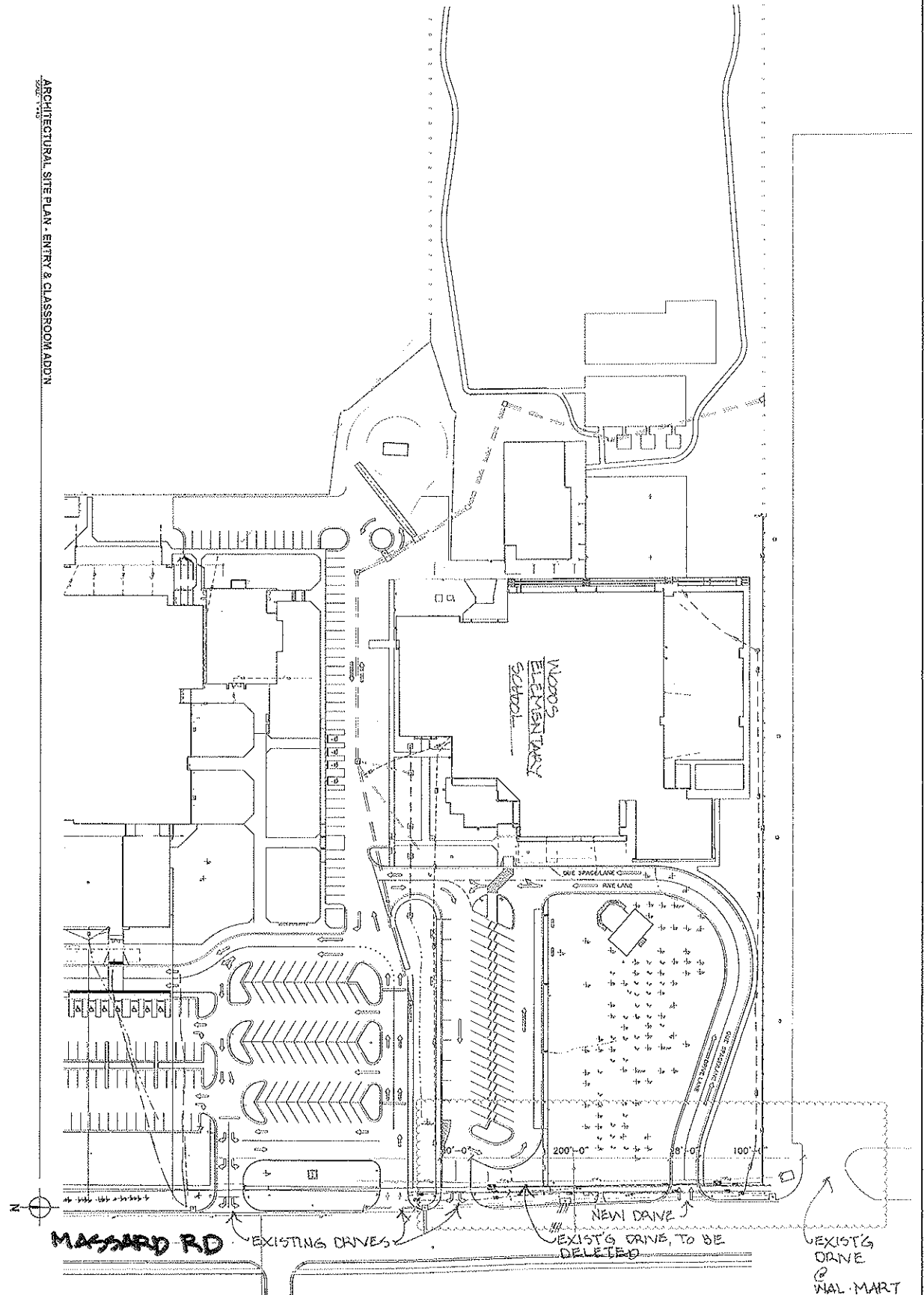
3. List any special circumstances/conditions which exist that have not been created by the owner/applicant and do not apply to other properties in your area:

N.A.

3201 Massard Road



ARCHITECTURAL SITE PLAN - ENTRY & CLASSROOM ADDN
SHEET 1-12



<p>ARCHITECTS - PLANNERS</p> <p>AP</p> <p>DATE: 11-14-12</p> <p>PROJECT: 09-02-03</p> <p>C2.1</p>	<p>REVISIONS:</p> <p>1. ARCHITECTURE PLUS, INC.</p> <p>207 South 21st Street, Fort Smith, Arkansas 72903-6325</p> <p>729/785-8325</p>	<p>ARCHITECTURAL SITE PLAN</p>	<p>CLASSROOM & ADMIN. ADDITION WOODS ELEMENTARY SCHOOL</p> <p>201 MASSARD ROAD FORT SMITH, ARKANSAS</p>
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Aerial View of Driveways

3201 Massard Road



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